

16m217-1.5.

352.07124  
Saitan

Compliments of

Hon. Geo. Langley,

Minister of Municipal Affairs

REVISED FOR OFFICE USE

UNIVERSITY OF MONTREAL LIBRARY

SEP 7 - 1916



## An Act respecting Rural Municipalities

Being Cap. 87, R.S.S. 1909, as amended by Cap. 21, 1910-11,  
and Cap. 29, 1912, and by Cap. 42, 1912 (Stat. Law Am.  
Act).

### SHORT TITLE.

1. This Act may be cited as "*The Rural Municipality Act.*" Short title  
1908-9, c. 6, s. 1.

### INTERPRETATION.

2. In this Act unless the context otherwise requires the <sup>Interpreta-</sup>  
expression: <sup>tion</sup>

1. "Minister" means the minister of municipal affairs; "Minister"
2. "Municipality" means any rural municipality estab-<sup>"Muni-</sup>  
lished under the provisions of this Act; <sup>pality"</sup>
3. "Division" means a division of a rural municipality; "Division"
4. "Council" means the council of a rural municipality; "Council"
5. "Reeve" means the reeve of a rural municipality; "Reeve"
6. "Councillor" means a member of the council of a rural <sup>"Councillor"</sup>  
municipality;
7. "Resident elector" means:
  - (a) For the purpose of any municipal or other election <sup>"Resident</sup>  
provided by this Act held prior to the completion of <sup>elector"</sup>  
the first municipal voters' list or the organisation <sup>before com-</sup>  
of a municipality any person of the full age of <sup>pletion of</sup>  
eighteen years who is actually residing in the muni- <sup>voters' list</sup>  
cipality or proposed municipality, as the case may  
be, and who has so resided therein and owned or  
been the occupant of assessable property therein as  
provided by this Act for a period of at least two  
months immediately prior to the date of such  
election;
  - (b) After the completion of the first municipal voters' <sup>"Resident</sup>  
list any person of the full age of eighteen years <sup>elector"</sup>  
actually residing in the municipality whose name <sup>after</sup>  
appears on the municipal voters' list and who if so <sup>completion of</sup>  
required by resolution of the council has paid all <sup>voters' list</sup>  
taxes due by him to the municipality as shown by  
the said list:

Occupant's  
right to  
vote

Provided that in no case shall the owner of land occupied by some person other than such owner, be deemed to be a resident elector unless the area of such land exceeds three hundred acres in which case the owner if an actual resident of the municipality as well as the occupant shall be deemed to be a resident elector;

"Elector"

8. "Elector" means any person of the full age of eighteen years whose name appears on the municipal voters' list as the owner of assessable property in the municipality and who if so required by resolution of the council has paid all taxes due by him to the municipality as shown by the said list;

"Owner"

9. "Owner" includes any person who has any right, title or estate whatever or other interest than that of a mere occupant in any land in a rural municipality;

"Occupant"

10. "Occupant" includes the inhabitant occupier of any land in a rural municipality or if there be no inhabitant occupier the person entitled to the possession thereof and the leaseholder or holder under agreement for sale and any person having or enjoying in any way for any purpose whatever the use of any land in a rural municipality;

"Person"

11. "Person" includes corporations, joint stock companies and partnerships;

"Secretary"

12. "Secretary" means the secretary or the secretary treasurer of the municipality;

"Treasurer"

13. "Treasurer" means the treasurer or the secretary treasurer of the municipality;

"Assessor"

14. "Assessor" means the assessor of the municipality;

"Municipal  
voters' list"

15. "The municipal voters' list" means the voters' list of the municipality or of any division thereof as finally revised;

"Land"

16. "Land" or "property" includes lands, tenements and hereditaments and any estate or interest therein;

"Public  
works"

17. "Public work" includes lands, streams, watercourses and property real and personal acquired for public works, dams or dugouts erected or made for the storage of water, roads, culverts, bridges, ferries, ditches, sidewalks, wells, drains and public buildings and all improvements, alterations and additions made to any such public work;

"Felony"

18. "Felony" means any indictable offence which since the passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over;

"Misdemeanour"

19. "Misdemeanour" means any offence for which under *The Criminal Code* the penalty is imprisonment for a term of less than five years and not less than two years;

20. "Hawker" and "pedler" means and includes any <sup>"Hawker and pedler"</sup> person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise for purchase and sale by such sample or pattern and upon the understanding that such goods, wares or merchandise are to be afterward delivered within the municipality to any person not being a wholesale or retail dealer in such goods, wares or merchandise or who sells such goods, wares or merchandise upon the streets, but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail. 1908-09, c. 6, s. 2; 1912, c. 42, s. 11.

3. Wheresoever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only. <sup>Definition of "herein"</sup> 1908-9, c. 6, s. 3.

4. Where forms are prescribed any deviation <sup>Deviation from forms</sup> therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice. 1908-9, c. 6, s. 4.

5. Where power to make bylaws, regulations, rules or orders is conferred it shall include the power to alter or revoke <sup>Power to alter or revoke bylaws</sup> the same from time to time and to make others. 1908-9, c. 6, s. 5.

6. Where in this Act a certain date is fixed on or by which <sup>Extension of time</sup> certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain things are to be done or proceedings had then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date. 1908-9, c. 6, s. 6.

7. If anything to be done by or under this Act at or within a fixed time cannot be or is not so done the minister may by <sup>Extension of time by order of minister</sup> order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired.

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act. 1908-9, c. 6, s. 7.

## PART I.

### Municipal Organisation.

#### AREA AND BOUNDARIES OF MUNICIPALITIES.

8. Every municipality shall in so far as the same is practicable <sup>Area of municipality</sup> comprise an area of 18 miles square or 324 square



miles and all municipalities shall be laid out on a uniform plan as nearly as the conditions of the system of Dominion lands survey and the physical features of the province will allow. 1908-9, c. 6, s. 8.

Map of municipalities

**9.** Prior to the organisation of any rural municipality under the provisions of this Act the minister shall prepare a map of the province on which shall be outlined from time to time the area and boundaries of municipalities to be hereafter organised and such boundaries shall be fixed as provided in the next preceding section commencing at the south-eastern corner of the province. 1908-9, c. 6, s. 9.

Map open to inspection

**10.** The map thus prepared shall at all reasonable hours be open to inspection and the boundaries of every municipality petitioned for shall subject to such variations as may be approved by the minister correspond with those indicated on the said map. 1908-9, c. 6, s. 10.

#### AREA OF BOUNDARIES OF THE DIVISIONS OF MUNICIPALITIES.

Area of divisions

**11.** Every municipality prior to its organisation shall in so far as the same is practicable be divided by the minister into divisions of uniform shape and area and every such division shall be assigned a number and shall as nearly as the conditions of survey and the physical features of the province will allow comprise an area of 54 square miles which area (unless in the opinion of the minister there are special reasons to the contrary) shall be not less than nine miles in length from north to south and six miles in width from east to west. 1908-9, c. 6, s. 11.

#### ORGANISATION OF A MUNICIPALITY.

Application for petition

**12.** Whenever the residents of any portion of the province deem it advisable to take steps to organise a municipality in their neighbourhood they shall apply to the minister for a form of petition and for a plan showing the boundaries of the proposed municipality as indicated on the map referred to in section 9 hereof.

When acted upon

(2) No such application received by the minister in any year shall be acted upon by him unless it is received before the first day of July in such year. 1908-9, c. 6, s. 12.

Number of residents

**13.** No portion of the province shall be organised as a municipality unless it contains actually resident therein a population in proportion of one person to each square mile of the area of the proposed municipality. 1908-9, c. 6, s. 13.

The municipal committee

**14.** Every petition for the organisation of a municipality shall be in such form as is prescribed by the minister, shall be signed by five resident electors who shall be known as "The

Municipal Committee" and shall be verified in such manner as the minister may direct. 1908-9, c. 6, s. 14.

**15.** Every such petition shall be accompanied by a statement signed by at least fifty resident electors setting forth that the subscribers thereof are desirous of having a vote taken to determine whether or not the proposed municipality shall be organised as provided by this Act which statement shall be in such form as is prescribed by the minister. 1908-9, c. 6, s. 15.

**16.** Upon receipt of such petition and statement in due form the minister may forthwith authorise the municipal committee to proceed with an election as hereinafter provided and shall notify them of the divisions into which the proposed municipality is divided and of the boundaries thereof. 1908-9, c. 6, s. 16.

**17.** Upon receipt of such authorisation the municipal committee shall forthwith:

- (a) Fix a day, hour and place for holding the election for and against the organisation of a municipality, which day shall be not later than 30 days after the receipt of such authorisation;
- (b) Name a polling place for each division of the proposed municipality;
- (c) Appoint a suitable person to act as returning officer at the election for the organisation of the proposed municipality;
- (d) Appoint a deputy returning officer for each polling place one of whom may be the returning officer.

(2) The polling places shall be located as provided by section 99 hereof. 1908-9, c. 6, s. 17.

**18.** At an election for the organisation of a proposed municipality all proceedings at the poll and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the manner as nearly as may be as at an election of a reeve and council in an organised municipality. 1908-9, c. 6, s. 18.

**19.** It shall be the duty of the returning officer at least fourteen days prior to the day fixed for the election to post up a notice of such election which shall be in the form following or to the like effect:

#### MUNICIPAL ELECTIONS.

Public notice is hereby given that, pursuant to a petition forwarded to him, the minister of municipal affairs for Sas-





POLL BOOK.

For Division No.                      of the proposed municipality of  
Record of Election held this                      day of  
19   .

Name of Voter	Voted	Remarks

1908-9, c. 6, s. 23.

24. The persons entitled to vote at the election for the organisation of a proposed municipality shall be the resident electors thereof; and every person who presents himself for the purpose of voting shall be required by the deputy returning officer before he is handed a ballot paper to sign a declaration that he is a qualified resident elector which declaration shall be in such form as is prescribed by the minister.

Who may  
vote

(2) The returning officer if otherwise qualified to vote at the election may vote but he shall have no casting vote.

(3) Every person who signs such declaration shall be entitled to vote.

(4) Every resident elector shall be entitled to vote only in the division in which he actually resides.

(5) Any person subscribing to the declaration aforesaid and who thereby makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20. 1908-9, c. 6, s. 24.

25. On the application of any person interested in promoting or opposing the organisation of the municipality the returning officer or deputy returning officer shall authorise the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes. 1908-9, c. 6, s. 25.

Scrutineers

26. Wherever a person presenting himself to vote has signed the said declaration the deputy returning officer shall immediately enter the name of such person in the poll book and hand to such person a ballot paper which shall be signed on the back by the initials of the deputy returning officer. 1908-9, c. 6, s. 26.

Name of  
voter  
entered in  
poll book

27. At the close of the poll the deputy returning officer shall sum up the number of votes cast for and against the

Summing  
up votes

organisation of the proposed municipality and shall enter a statement thereof in the poll book; and all the ballot papers used or that were intended to be used in voting for or against the organisation of the proposed municipality shall in all respects be dealt with in the manner provided by section 146 hereof respecting other ballot papers. 1908-9, c. 6, s. 27.

Declaration  
to be  
inclosed in  
ballot box

**28.** Each deputy returning officer shall inclose in the ballot box with the other packets the declaration signed by the voters in his polling division. 1908-9, c. 6, s. 28.

Declaration  
of result of  
election

**29.** The returning officer shall at the time and place appointed count and sum up the votes cast for and against the organisation of the proposed municipality and shall publicly declare the result. 1908-9, c. 6, s. 29.

Statement by  
judge on  
recount

**30.** In case of a recount of the votes polled at an election for the organisation of a proposed municipality the judge shall in lieu of the statement required by clause 9 of section 157 hereof transmit to the returning officer a statement showing the number of votes allowed by him for and against such organisation.

Equality of  
votes

(2) In case of an equality of votes for and against organisation on a recount by a judge such judge shall not take any action to decide the election. 1908-9, c. 6, s. 30.

Returning  
officer to be  
secretary

**31.** Until such time as the municipality is declared to be organised the returning officer shall have and exercise all the powers and duties of such secretary as prescribed by sections 151 to 157 inclusive hereof. 1908-9, c. 6, s. 31.

Statement  
to be sent to  
minister

**32.** At the expiration of the five days provided by section 155 hereof if no recount has been applied for or if a recount has been applied for forthwith after the returning officer has received from the judge a statement of the result of the recount the returning officer shall transmit to the minister a written statement of the result of the election which statement shall be in such form as is prescribed by the minister. 1908-9, c. 6, s. 32.

Equality of  
votes defeats  
organisation

**33.** In case the statement received by the minister shows an equal number of votes for and against the organisation of a proposed municipality the result of the election shall be deemed to be against such organisation. 1908-9, c. 6, s. 33.

Minister to  
declare  
municipality  
organised

**34.** Upon receipt of such statement and upon being satisfied that the provisions of this Act have been substantially complied with the minister if the result of the election was in favour of the organisation of the proposed municipality shall by written order:



- (a) Declare the municipality to be organised and assign to it a name and number;
- (b) Declare the divisions into which the municipality has been divided and assign to each division a number.

(2) Such order shall take effect only on, from and after the second Monday of December next following the date of such order.

(3) A notice of such order shall be sent by the minister to the municipal committee. 1908-9, c. 6, s. 34.

**35.** Notice of the organisation of a municipality giving Notice of organisation its name and number and a description of its boundaries and the boundaries of its several divisions shall be published in *The Saskatchewan Gazette* and such notice shall be conclusive evidence of the organisation of the municipality of the date provided by the section last preceding and that all the necessary formalities required by this Act have been complied with. 1908-9, c. 6, s. 35.

**36.** In case there is a majority of votes against the organi- Expenses when result against organisation sation of a proposed municipality at any election all reasonable expenses necessarily incurred in connection with such election shall after the accounts therefor have been approved by the municipal committee be apportioned by the returning officer at such election among the local improvement districts including any large local improvement district which in whole or in part were within the boundaries of such proposed municipality in proportion to the area of each included in such proposed municipality; and unless paid within ten days after demands made on such local improvement districts as aforesaid by such returning officer the respective sums may be sued for and recovered from the local improvement districts as a debt due from them to the returning officer. 1908-9, c. 6, s. 36.

**37.** The following fees and expenses and no others shall Fees be allowed to the several officers mentioned respectively for their services and disbursements at the election for the organisation of a municipality and the first election of a reeve and council:

To returning officers:

- 1. When no poll held..... \$20
- 2. When poll held..... \$35
- 3. For necessary printing, the actual reasonable cost.
- 4. For providing ballot boxes, the actual reasonable cost.

To deputy returning officers:

- 5. When poll held..... \$5

6. For providing polling booth, the amount actually paid or agreed to be paid, not exceeding..... \$3  
1908-9, c. 6, s. 37.

Organisation  
of small  
local  
improvement  
district into  
a rural  
municipality

**37a.** Any small local improvement district which has been organised for twelve months may become a rural municipality by petitioning the minister for that purpose; the petition praying for such organisation shall be signed by at least fifty per cent. of the actual resident ratepayers of the small local improvement district.

(2) The petition shall be in such form as is prescribed by the minister and shall be certified as correct by the chairman and the secretary treasurer of the local improvement district so desiring to be organised as a rural municipality; such petition may be divided into separate pages, every signature on each of which shall be witnessed in writing by an elector of the district.

(3) No action shall be taken by the minister on any such petition received by him later than the first day of October in any year.

(4) Upon receipt of the petition required by section 37a hereof and upon being satisfied that the provisions of the Act have been substantially complied with the minister shall by written order:

- (a) Declare the municipality to be organised and assign to it a name and number;
- (b) Declare the divisions into which the municipality has been divided and assign to each division a number.

(5) Such order shall take effect only on, from and after the second Monday of December next following the date of such order.

(6) A notice of such order shall be sent to the secretary treasurer of the local improvement district.

(7) The provisions of sections 12 to 37, both inclusive, of this Act shall not apply to any petition filed under the provisions of this section. 1910-11, c. 21, s. 1.

#### ALTERATIONS IN BOUNDARIES OF MUNICIPALITIES.

Alteration of  
boundaries  
of municipi-  
palities

**38.** The minister may by order notice of which shall be published in *The Saskatchewan Gazette*:

1. Sever any portion of a municipality and annex the same to any adjoining municipality;
2. Annex to any municipality any outlying area adjacent to but not included within the limits of any municipality;

3. Alter and adjust the boundaries of two or more coterminous or adjacent municipalities;

4. Withdraw from any municipality any area established as a village under the provisions of *The Village Act*. 1908-9, c. 6, s. 38.

**39.** In the event of the boundaries of any municipality being altered in any manner as provided in the next preceding section the minister shall subject to the approval of the Lieutenant Governor in Council have power to make due provision for the settlement and adjustment of all matters arising out of such alteration including the disposition of the assets and liabilities of the municipalities affected and every decision of the minister approved of as aforesaid with respect to any such settlement and adjustment shall be final and binding on all parties concerned. 1908-9, c. 6, s. 39.

Adjustment  
of matters in  
case of  
change of  
boundaries

#### ALTERATIONS IN BOUNDARIES OF DIVISIONS.

**40.** Upon the receipt of a petition from the council of any municipality the minister may by order notice of which shall be published in *The Saskatchewan Gazette* alter and adjust the boundaries of one or more of the divisions of such municipality. 1908-9, c. 6, s. 40.

Change of  
division  
boundaries

#### MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES.

**41.** No order purporting to be made under section 34 or 38 of this Act shall be deemed invalid on account of any noncompliance with any of the matters required by the said Act as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in any wise suspend or impair the operation of this Act with respect to the matter misdescribed or omitted. 1908-9, c. 6, s. 41.

Errors in  
boundaries

**42.** Any misdescription or other error in any order made by the minister under the provisions of this Act may by any subsequent order be corrected and confirmed with such correction as of the date in which it was made by the minister. 1908-9, c. 6, s. 42.

Correction  
of errors

#### BOUNDARY LINES OF MUNICIPALITIES AND DIVISIONS.

**43.** For the purposes of this Act whenever any municipality or division is wholly or in part described as comprising certain townships, parts of townships or sections in accordance with the system of Dominion lands survey the boundary lines of such municipality or division except as varied by the description given in the notice required by section 35 hereof shall be the posted side of the road allowance between adjoining sec-

Boundary  
lines



tions or townships except in the case of correction lines where the south side of the road allowance shall be the boundary.

(2) Any road allowance between an Indian reserve and a municipality shall be deemed to be in the municipality notwithstanding anything herein to the contrary. 1908-9, c. 6, s. 43.

#### DISORGANISATION OF MUNICIPALITY.

##### Disorganisa- tion

44. The Lieutenant Governor in Council may by order notice of which shall be published in *The Saskatchewan Gazette* declare that on and after a day therein to be named any municipality shall be disorganised and thereupon the same and the council thereof shall cease to have or enjoy any of the rights, powers and privileges vested in such corporations by this Act; and upon any such disorganisation of a municipality the minister may appoint one or more persons to adjust and settle the assets and liabilities of such municipality; and such person or persons so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such municipality and apply the same so far as the same will extend, first in payment of the liabilities of the said municipality and second in payment of his or their remuneration as hereinafter mentioned and divide the surplus, if any, *pro rata* among the electors of the said municipality entitled to share therein; and in case the amount so realised shall be insufficient to pay and satisfy the liabilities of the said municipality and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment of in the same manner as a council and its officers are authorised to do by this Act such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith including his or their remuneration which shall be fixed by the minister. 1908-9, c. 6, s. 44.

#### HAMLETS.

##### Organisation of hamlets

45. In case at the time of the organisation of a municipality there is comprised within its limits any area of land which has been subdivided into building lots or as a townsite such area shall be known as a hamlet and it shall be under the control of the municipal council. 1908-9, c. 6, s. 45; 1912, c. 29, s. 1.

##### Organisation of hamlet

46. Subsequent to the organisation of a municipality the subdivision of any area into building lots or a townsite shall at once create the said area a hamlet which shall be under the control of the council of the municipality in which it is situated. 1908-9, c. 6, s. 46; 1912, c. 29, s. 2.

47. The property in every hamlet shall be subject to assessment and taxation by the municipality in the manner herein-after provided and the council shall each year cause at least one-half of the amount of the taxes estimated to be collected within such hamlet for municipal purposes to be expended in public works within the hamlet. 1908-9, c. 6, s. 47.

Half amount  
collected in  
hamlet to be  
spent therein

## PART II.

### Municipal Council.

#### CONSTITUTION OF COUNCIL.

48. The council of every municipality shall consist of a reeve who shall be the head thereof and of one councillor for each division. 1908-9, c. 6, s. 48.

Constitution  
of council

49. Every reeve and every councillor shall hold office for one year. 1908-9, c. 6, s. 49.

Term of  
office

#### OATHS OF OFFICE.

50. Every member of the council and every officer of the municipality shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office (*inserting the name of the office*) to which I have been elected (*or appointed as the case may be*) in this municipality and that I have not received any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office and that I have not by myself or partner either directly or indirectly any investment in any contract with or on behalf of the said municipality except that arising out of a contract for the publication of any advertisement in a public newspaper, save and except that arising out of my office as (*naming the office*). So help me God. 1908-9, c. 6, s. 50.

Form of  
oath of office

51. The person making such declaration shall before entering upon the duties of his office deposit the same in the office of the secretary:

Deposit of  
form of oath

Provided that in the case of the councillors first elected for any municipality the said declaration shall be handed to the reeve at the first meeting of the council to be afterwards deposited by him with the secretary of the municipality. 1908-9, c. 6, s. 51.

## COUNCIL A CORPORATION.

Municipality  
a body  
corporate

**52.** Every municipality is hereby declared a body corporate and the name of the body corporate shall be "The Rural Municipality of (*naming the same*) No. .". 1908-9, c. 6, s. 52.

## CHANGE OF NAME.

Change of  
name

**53.** The minister may from time to time alter the name of any municipality upon the petition of the council and notice of such alteration shall be published in *The Saskatchewan Gazette*; and in such case the seal theretofore used by such municipality shall continue to be the seal thereof until changed by the council. 1908-9, c. 6, s. 53.

Effect of  
change

**54.** No change in the name of any municipality made in accordance with the provisions of the next preceding section shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change. 1908-9, c. 6, s. 54.

## MEETINGS OF COUNCIL.

First meeting  
of council

**55.** The first meeting of each council shall be held on the first Monday in January except when that day is a public holiday in which case such meeting shall be held on the next subsequent day which is not a public holiday and the council of the previous year shall hold office until the new council meets:

Proviso

Provided however that the first council elected in any municipality shall hold office from the date of the election, excepting when the municipality shall have been a small local improvement district.

Time and  
place of  
meeting

(2) Such meeting shall be held at such hour and place as shall be fixed by the reeve and written notice of such meeting shall be given by the reeve to each member of the council by mailing the same to his address at least eight clear days prior to the date of such meeting or by delivering it to each councillor personally or in the absence from his residence of any councillor to any adult person thereat at least three clear days prior to the date of such meeting. 1908-9, c. 6, s. 55; 1910-11, c. 21, s. 2.

Regular  
meetings

**56.** The council may at any meeting at which all the members of the council are present decide by resolution to hold regular meetings of the council and such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary. 1908-9, c. 6, s. 56.

Special  
meetings

**57.** A special meeting of the council shall be called by the secretary of the municipality when he is required so to do in writing by the reeve or by any three members of the council



and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the secretary in the manner provided by section 55 hereof.

(2) No business other than that stated in the said notice shall be transacted at any special meeting of the council unless all the members of the council are present in which case by unanimous consent any other business may be transacted. 1908-9, c. 6, s. 57.

**58.** The council may by unanimous consent waive notice of any first, special or other meeting and hold a meeting at any time but every member of the council must be present at such meeting. 1908-9, c. 6, s. 58.

**59.** Every meeting of the council shall be held either in the municipality or in some city, town or village the area of which touches at some point the limits of the municipality:

Provided that by the unanimous consent of the council its meetings may be held at any point outside the limits of the municipality. 1908-9, c. 6, s. 59.

#### PROCEEDINGS AT MEETINGS.

**60.** Every council may make rules and regulations governing its proceedings, calling meetings, the conduct of its members, appointing committees and generally for the transaction of its business provided that no such rule or regulation be contrary to law or the provisions of this Act. 1908-9, c. 6, s. 60.

**61.** A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be a quorum. 1908-9, c. 6, s. 61.

**62.** The reeve shall preside at every meeting of the council and he shall preserve order and enforce the rules of the council. 1908-9, c. 6, s. 62.

**63.** The council shall at its first meeting and every three months thereafter elect one of their number as deputy reeve who shall hold office for three months or until his successor be appointed and in case the reeve through illness, absence or any other cause is unable to perform the duties of his office or in case the office is vacant the deputy reeve shall have all the powers of the reeve. 1908-9, c. 6, s. 63.

**64.** In the absence of the reeve and deputy reeve from any meeting another member of the council shall be elected as chairman to preside at such meeting. 1908-9, c. 6, s. 64.

No act  
valid unless  
adopted at  
regular  
meeting

**65.** No act or proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council. 1908-9, c. 6, s. 65.

Motions need  
not be  
seconded

**66.** Every question shall be submitted to the council on the motion of the reeve or any member thereof and no seconder shall be required. 1908-9, c. 6, s. 66.

Question  
decided by  
majority

**67.** At every meeting of the council all questions shall be decided by the majority of the votes and the reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote but in the case of an equality of votes the question shall be decided in the negative. 1908-9, c. 6, s. 67.

Members of  
council must  
vote

**68.** The reeve when present and all the councillors present shall vote in council on every division. 1908-9, c. 6, s. 68.

Meetings to  
be open

**69.** The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct; but the person presiding at any meeting may cause to be expelled and excluded any person who is guilty of improper conduct at such meeting. 1908-9, c. 6, s. 69.

#### REEVE.

Duties

**70.** The reeve shall be the chief executive officer of the municipality and it shall be his duty to be vigilant and active in causing the laws governing the municipality to be duly executed, to inspect the conduct of all municipal officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the municipality. 1908-9, c. 6, s. 70.

Power of  
suspension

**71.** The reeve may suspend any municipal officer and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension. 1908-9, c. 6, s. 71.

Appointment  
of special  
constables

**72.** The reeve may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the municipality for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council. 1908-9, c. 6, s. 72.

**73.** If so requested at any time by the written petition of twenty electors the reeve shall by public notice conspicuously posted in at least ten widely separated places in the municipality call a public meeting of the electors for the discussion of municipal affairs or of any matter relating thereto. 1908-9, c. 6, s. 73. Public meeting

**74.** Every council may pass a resolution for paying the members thereof a sum not exceeding \$4 per diem for the reeve and \$3 per diem for each councillor for each meeting and ten cents for every mile necessarily travelled in coming to and returning from such meetings of the council: Payment of council

Provided that the total number of meetings for which each councillor may be paid during the year for which he is elected shall not exceed fifteen in each year;

And provided further that in case any meeting of the council is held outside the limits of the municipality no member of the council shall be paid for the mileage travelled by him beyond the limits of the municipality. 1908-9, c. 6, s. 74.

**74a.** Every council may pass a resolution for paying members thereof a sum not exceeding three dollars for every day and ten cents for every mile respectively necessarily occupied or travelled in laying out or inspecting work done in the municipality for periods not exceeding in the aggregate ten days in each year; the work so performed shall be duly authorised by a resolution of the council board excepting where the duties performed are of an emergent nature in which case the payment or nonpayment of the councillors' fees for such work shall be at the discretion of the council board: Payment of councillors

Provided that a special report setting forth the work done by such members and the remuneration received therefor under this section shall be prepared and submitted to the ratepayers of the said municipality at the nomination meeting thereof and a copy of such report shall be mailed to the minister. 1910-11, c. 21, s. 3. Proviso

#### COMMITTEES.

**75.** The council may from time to time appoint standing or special committees consisting of one or more of its members and may delegate to such committees any matter for consideration, inquiry, management or regulation and may delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council except the power to borrow money, pass a bylaw or enter into a contract. Committees

(2) Every committee to whom any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.



(3) Every such committee shall be subject in all things to the council and shall carry out all directions given to it by the council. 1908-9, c. 6, s. 75.

## VACANCIES.

**Resignation**      **76.** Any reeve or councillor wishing to resign his seat in the council may do so at any time by sending notice in writing of such resignation to the secretary and every such notice shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy. 1908-9, c. 6, s. 76.

**Declaration of vacancy**      **77.** If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any Act in force in the province respecting insolvency or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three consecutive months without being authorised by a resolution of the council the seat of such person in the council shall forthwith become vacant. 1908-9, c. 6, s. 77.

**Vacancy**      **78.** If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November in any year such election shall not take place. 1908-9, c. 6, s. 78.

## APPOINTED COUNCILLORS.

**Minister may appoint councillor**      **79.** Whenever the residents of any division of a municipality constituted under this Act neglect or refuse to elect a councillor the minister may appoint some one to act as councillor in such division. 1908-9, c. 6, s. 79.

**Lieutenant Governor in Council may appoint whole council**      **80.** The Lieutenant Governor in Council may at any time appoint some person to act as councillor for one or more of the divisions of a municipality or may appoint some person or persons to act as reeve and councillors for all the divisions of the municipality and every such person so appointed shall have all the powers and authorities conferred by this Act on elected members of the council and shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine.

(2) Upon the appointment of any person or persons as aforesaid the person or persons, as the case may be, previously elected as members of the council and in whose stead such appointment or appointments were made shall cease to hold office. 1908-9, c. 6, s. 80.

## PART III.

**Municipal Elections.**

## FIRST ELECTION FOR REEVE AND COUNCILLOR.

**81.** In the case of every municipality declared by the minister to be organised as of the second Monday of December, <sup>Nomination meeting for first election</sup> 1909, the municipal committee shall by resolution at least two weeks prior to the last Monday of November:

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer;
- (c) Name a polling place for each division;
- (d) Appoint a deputy returning officer for each polling place. 1908-9, c. 6, s. 81.

**82.** In case a member or members of the municipal committee dies or leaves the municipality before the passing of <sup>Appoint-ments to committee</sup> the resolution provided for in the last preceding section or refuses or is unable to act the remaining member or members may appoint another resident elector or electors in the place of the member or members so dying or leaving the municipality or refusing or being unable to act; and such remaining member or members together with those so appointed shall thereafter be the municipal committee.

(2) Whenever it appears to him necessary or expedient the minister may appoint one or more persons to act in the place <sup>Minister may appoint person to supersede committee</sup> of the municipal committee in any municipality; and such person or persons shall have and exercise all the duties and powers of the municipal committee and upon any such appointment the municipal committee in such municipality shall cease to have the powers vested in it herein. 1908-9, c. 6, s. 82.

**83.** In the case of any municipality declared to be organised <sup>Local improvement council to be committee after January 1, 1910</sup> after the first day of January, 1910, the council of the local improvement district organised into such municipality shall have and exercise all the duties and powers of the municipal committee. 1908, c. 6, s. 83.

**84.** Until such time as the secretary is appointed the return- <sup>Returning officer to be secretary</sup> ing officer at the first election for a reeve and councillors in a municipality shall have and exercise all the powers and duties of such secretary as prescribed by sections 151 to 157 inclusive hereof. 1908-9, c. 6, s. 84.

## THE MUNICIPAL VOTERS' LIST.

**85.** On or before the first day of October in each year the council shall determine by resolution whether or not the <sup>Payment of taxes before voting</sup> pay-ment of all taxes due to the municipality by all persons

whose names appear on the last revised assessment roll thereof shall be required to entitle such persons to qualify as electors of the municipality as defined by clauses 7 and 8 of section 2 hereof.

(2) A certified copy of every such resolution shall be forthwith transmitted by the secretary to the treasurer of the municipality.

(3) In case for any cause such resolution is not passed by the council the payment of taxes shall not be deemed to be a qualification for electors. 1908-9, c. 6, s. 85; 1910-11, c. 21, s. 4.

#### Voters' list

**86.** The treasurer of every municipality shall on or before the first day of November in each year prepare a list of all persons whose names appear on the last revised assessment roll of the municipality and such list which shall be in the form following shall be arranged according to the divisions of the municipality and shall be known as "The Municipal Voters' List:"

Voters' List of the Rural Municipality of.....No.....

Division No..... For the year 19....

No. on List	Name of Voter	Description of Property					Owner or Occupant	Resident or Non-Resident	No. of Acres As'sed	Payment of Taxes
		Pt. of Sec.	Sec.	Tp.	Rge.	Mer.				

1908-9, c. 6, s. 86.

#### Particulars

**87.** In preparing the said list for each division of the municipality the treasurer shall enter in the appropriate columns of the form prescribed the following particulars which shall be taken from the last revised assessment roll of the municipality:

1. The names of all persons assessed in the division arranged alphabetically according to their surnames;
2. A brief description of the land or other property for which each such person is assessed;
3. The word "occupant" or "owner," as the case may be;
4. The word "resident" or "nonresident," as the case may be;
5. The number of acres for which each such person is assessed;



6. The word "paid" if such person has paid all taxes due by him to the municipality when the payment of taxes is required by the council as a qualification for voting. 1908-9, c. 6, s. 87.

88. When the said list has been prepared as provided in the next preceding two sections the treasurer shall immediately after the last name on the list for each division write the words "certified correct" followed by his signature and the date on which such certificate is made which date shall not be later than the first day of November as aforesaid. 1908-9, c. 6, s. 88.

89. The treasurer shall then forthwith make a true and correct copy of the said list and post the same in his office and such copy or the original thereof shall be open to inspection by any person at all reasonable hours. 1908-9, c. 6, s. 89.

90. In case through inadvertence or otherwise any mistake, error, wrongful entry or omission whatsoever has been made in the said original list or copy it shall be the duty of the treasurer upon being notified in writing by any person of such mistake, error, wrongful entry or omission to revise the said list accordingly; but no such revision shall be made except for the purpose of correcting the spelling of names unless the said notification is received by the treasurer at least seven clear days prior to the date fixed for the annual election in the municipality and unless the last revised assessment roll of the municipality when compared with the said list shows the latter to be inaccurate or incomplete in the manner complained of in the said notification.

(2) In the event of the payment of taxes being fixed by the council as a qualification for voting as herein provided it shall be the duty of the treasurer to revise the said original list and copy thereof from time to time by adding the word "paid" in the proper column after the name of every person who pays all taxes due by him to the municipality at any time prior to seven clear days before the date fixed for the annual election in the municipality.

(3) Every revision of the said original list and the said copy by way of alteration, correction or addition shall have placed opposite it the date of such revision and the initials of the treasurer. 1908-9, c. 6, s. 90.

91. Any treasurer who refuses or neglects to prepare the said list as herein provided or who neglects or fails to enter on the said list the name of any person whose name appears on the last revised assessment roll of the municipality or who neglects or fails to enter in the said list any other particular as provided herein or who enters in the said list the name of any person that does not appear in the said roll or who refuses,

fails or neglects to revise the said list in any particular as herein provided shall for each such refusal, neglect or failure be guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

(2) The provisions of this section shall apply to the preparation of any copy of the said list which by the provisions of this Act the treasurer is required to prepare. 1908-9, c. 6, s. 91.

#### ANNUAL ELECTION.

Annual  
election

**92.** There shall be held annually in every municipality an election for reeve and councillors which election shall be conducted at the time and in the manner hereinafter provided. 1908-9, c. 6, s. 92.

#### QUALIFICATION OF COUNCILLORS.

Qualification  
of reeve and  
councillors

**93.** The persons eligible for election as reeve or councillor shall be the male electors of the municipality who are of the full age of twenty-one years, who have paid all taxes due by them to the municipality and who are British subjects or who shall have made a statutory declaration of their intention to become such which declaration shall be in the form following:

#### CANDIDATE'S DECLARATION OF INTENTION.

Canada: } I, \_\_\_\_\_ of  
Province of Saskatchewan, }  
To wit: } in the Province of Saskatchewan  
(*occupation*) do hereby solemnly declare:

1. That I am not a British subject;
2. That I have not resided in Canada for a sufficient period of time to comply with the conditions of qualifications of residence to be naturalised and that it is my intention to become naturalised as a British subject as soon as the conditions of qualification by residence permit me to do so;
3. That I am in all other respects than naturalisation eligible and qualified for election as a reeve or councillor of a rural municipality.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at  
in the Province of Saskatchewan }  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 . }

.....

*A J.P., N.P. or Commissioner for Oaths.*

1908-9, c. 6, s. 93; 1909, c. 35, s. 32.

**94.** No secretary, treasurer, assessor, auditor, constable or other paid official of the municipality, no inspector of licenses, no person having by himself or his partner any interest in any contract with or on behalf of the municipality or being indebted to the municipality, no surety for an officer or an employee of the municipality and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for more than five years shall be qualified to be a member of the council: 1908-9, c. 6, s. 94.

**95.** No person shall be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the municipality or by reason of his having a contract for the publication of any advertisement in a public newspaper. 1908-9, c. 6, s. 95.

**96.** No person may be elected as a member of the council for more than one division of a municipality. 1908-9, c. 6, s. 96.

#### MEETINGS FOR NOMINATION OF COUNCIL.

**97.** In the case of all annual elections subsequent to the first election for a reeve and councillors the council shall by resolution at least two weeks prior to the last Monday of November in each year:

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer;
- (c) Name a polling place for each division;
- (d) Appoint a deputy returning officer for each polling place. 1908-9, c. 6, s. 97.

**98.** The place named for holding every nomination meeting shall be within the municipality or within some city, town or village the area of which touches at some point the limits of the municipality. 1908-9, c. 6, s. 98.

**99.** The place named as a polling place for any division shall be within such division or within some city, town or village the area of which touches at some point the limits of the division:

Provided that in any case where a local option bylaw or repealing bylaw is being voted on in any municipality under the provisions of *The Liquor License Act* a poll shall be held in every village within the division; two-thirds of the cost of each such additional poll held in any village on account of the local option bylaw or repealing bylaw shall be borne by the village in which such poll is held. 1908-9, c. 6, s. 99; 1910-11, c. 21, s. 5.



Hour of  
meeting

**100.** Every annual meeting called for the nomination of members of a council shall be held from one o'clock to two o'clock in the afternoon (mountain standard time) of the first Monday of December in each year. 1908-9, c. 6, s. 100.

#### ELECTION OFFICIALS' DECLARATION.

Officials  
declaration

**101.** Every returning officer shall before entering upon the duties of his office take and subscribe before a justice of the peace or a commissioner for oaths the oath in the form following and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon their respective duties take and subscribe before the returning officer or any person authorised to administer oaths within the province the said oath.

#### FORM OF OATH.

Canada:  
Province of Saskatchewan, } I,  
To wit: } of . in the Province  
of Saskatchewan, do swear that I will not at any time disclose  
to any one the name of any person who has voted at the elec-  
tion to be held in the municipality of on the  
day of 19 ; and that I will  
not unlawfully attempt to ascertain the candidate or candi-  
dates for whom an elector has voted and will not in any way  
aid in the unlawful discovery of the same; and that I will  
keep secret all knowledge which may come to me of the person  
for whom an elector has voted. So help me God.  
Sworn before me at  
in the Province of Saskatchewan }  
this day of 19 . }

.....  
*A J.P., N.P. or Commissioner for Oaths.*  
1908-9, c. 6, s. 101.

Posting  
notices

**102.** It shall be the duty of the returning officer at least seven clear days prior to the date fixed for the nomination meeting to post up a notice of such meeting which shall be in the form following or to the like effect:

#### NOTICE FOR NOMINATION FOR ELECTIONS.

Rural Municipality of . No.  
Municipal Elections 19 .

Public notice is hereby given that a meeting of the electors of the rural municipality of No. will be held at (*description of place*) on (*day of week*) the day of 19 , from one o'clock to two o'clock in the afternoon (mountain standard time) for the purpose

of nominating candidates for the offices of reeve of the municipality and a councillor for each division.

Given under my hand at  
this                                      day of                                      19 .  
.....  
Returning Officer.

(2) Every such notice shall be posted in at least two widely separated conspicuous places in each division of the municipality. In case there is a post office in any division one of the said notices shall be conspicuously posted therein and in case there are two or more post offices in any division the said notice shall be conspicuously posted in each of them. 1908-9, c. 6, s. 102.

PROCEEDINGS AT NOMINATION MEETING.

**103.** At the time and place named in the notice the return-Nomination ing officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as reeve and councillors for the municipality and the meeting shall remain open until two o'clock in the afternoon (mountain standard time) when if only one candidate is nominated to serve as reeve the returning officer shall declare the candidate so nominated duly elected; and if the number of persons nominated to serve as councillors for each division does not exceed the number required to be elected the returning officer shall declare the persons so nominated duly elected. 1908-9, c. 6, s. 103.

**104.** Every nomination for reeve and councillor shall be in Nomination writing in the form following and shall be signed in the case of in writing reeve by at least five electors of the municipality and in the case of councillors by at least two electors of the division.

NOMINATION PAPER.

We, the undersigned electors of the Rural Municipality of                                      No.                                      , hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of a reeve for the said municipality (*or a councillor for Division No.                                      of the said municipality as the case may be*).

Witness our hands this                                      day of                                      19 .  
.....  
.....  
Signatures of Electors.

CANDIDATE'S ACCEPTANCE.

I, the said                                      , nominated in the foregoing nomination hereby state that I am eligible for such nomination and that I will accept the office if elected.

Signed in the presence of }  
 ..... }  
*Name of Witness.* } *Name of Candidate.*

1908-9, c. 6, s. 104; 1910-11, c. 21, s. 6.

Statement of  
eligibility  
and consent

**105.** Every such nomination to be valid shall also be accompanied by a written statement signed by the person nominated to the effect that he is eligible for nomination as provided by section 93 hereof and that he will accept office if elected. 1908-9, c. 6, s. 105.

Place and  
date of poll

**106.** In the event of more than the required number of persons being nominated for any division or divisions the returning officer shall declare that a poll will be held and shall name the time (which shall be on the same day of the week as the nomination but in the next week following) and the place within each division where the votes are to be polled and also the time and place at which the result of the polling will be declared. 1908-9, c. 6, s. 106.

Withdrawal

**107.** Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed in the presence of two witnesses or the returning officer. 1908-9, c. 6, s. 107.

Notice that  
there will  
be no poll

**108.** If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office the polling for such office shall not take place and the returning officer shall forthwith post up a notice in the following form and such notice shall be given in such divisions of the municipality as may be required in the manner provided by section 102 hereof:

#### NOTICE.

Rural Municipality of ..... No. ..... Municipal  
Elections 19 .. Division No. ....

Whereas ..... nominated for the office of ..... has  
withdrawn his candidature for the said office, leaving ..... the  
only candidate, therefore I hereby give notice that no voting  
for the said office will take place on the ..... day of (*date*  
*of polling*).

Dated under my hand at ..... this  
day of ..... 19 ..

1908-9, c. 6, s. 108.

.....  
*Returning Officer.*



TIME AND NOTICE OF POLL.

**109.** Whenever a poll is required to be taken for the election of a reeve or councillor it shall be held on the same day of the week as the nomination for the said election but in the next week following and every such poll shall be open from the hour of nine o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) in each division of the municipality when the election is of a reeve and in each division of the municipality in which a poll is required to be held for the election of a councillor. 1908-9, c. 6, s. 109.

**110.** Notice of every such poll required to be taken shall within seventy-two hours after the nomination be posted up by the returning officer in the manner provided by section 102 hereof and every such notice shall be in the form following:

NOTICE OF POLL.

Rural Municipality of                      No.                      . Municipal Elections 19                      .

Public notice is hereby given that a poll has been granted for the election of a reeve for the municipality and of a councillor for divisions No.                      (*as the case may be*) for the year 19                      and the polling will take place on (*day of week*) the                      day of                      19                      from nine o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) at (*specify polling places*) and that I will at (*describe the place*) on (*day of week*) the                      day of                      19                      at noon sum up the votes and declare the result of the elections.

Given under my hand at                      this                      day of                      19                      .

1908-9, c. 6, s. 110.

.....  
*Returning Officer.*

PREPARATIONS FOR POLL.

**111.** If so authorised by the council the returning officer and each deputy returning officer may appoint a poll clerk who in the absence of the returning officer or deputy returning officer for any cause shall have all the powers of the said returning officer or deputy, as the case may be. 1908-9, c. 6, s. 111.

**112.** The returning officer shall procure for each division of the municipality a suitable ballot box to be made of some dry durable material and each box shall be provided with a lock and key and shall be so constructed that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked. 1908-9, c. 6, s. 112.

Ballot  
papers

**113.** The returning officer shall also cause to be printed or prepared a supply of ballot papers sufficient for the purposes of the election. 1908-9, c. 6, s. 113.

Printed or  
written

**114.** The ballot papers shall be either printed or written or partly printed and partly written and separate ballot papers of different colour shall be provided for the election of reeve and councillors. 1908-9, c. 6, s. 114.

Form for  
reeve

**115.** The ballot papers for the election of a reeve shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form:

REEVE	
Allen, Charles	
Brown, John	
Clark, John	

1908-9, c. 6, s. 115.

Form for  
councillor

**116.** The ballot papers for the election of councillors shall be prepared for each division of the municipality and shall contain the names of the candidates duly nominated for each such division arranged alphabetically in the order of their surnames and shall be in the following form:

COUNCILLORS: DIVISION No.....	
Black, William	
Foster, Henry	
Smith, Frank	

1908-9, c. 6, s. 116.

Supplies for  
deputy  
returning  
officers

**117.** Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the division for which such deputy returning officer shall have been appointed to act and such other materials as are necessary in order to enable the electors to mark their ballot papers. 1908-9, c. 6, s. 117.

Directions  
for voters

**118.** The returning officer shall before the opening of the poll cause to be prepared such number of printed directions for the guidance of voters in voting as he may deem sufficient,

and such directions shall be printed in conspicuous characters and may be according to the following form:

#### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into the compartment and with a pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes or at any other place within the division which contains the name of such candidate.

The voter will fold up the ballot paper so as to show the initials of the deputy returning officer signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer who will give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for his ballot paper will be void and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour. 1908-9, c. 6, s. 118.

#### PROCEEDINGS OF POLL.

**119.** On the day fixed for the taking of a poll the deputy <sup>Deputy</sup> returning officer shall be present at the polling booth in his <sup>returning</sup> division at least fifteen minutes before the time fixed for opening the poll. 1908-9, c. 6, s. 119.

**120.** Every polling booth shall be furnished with a <sup>Voting com-</sup> compartment (which may be arranged by hanging a screen) <sup>partment</sup> in which the voters can mark their ballots without being seen and it shall be the duty of the deputy returning officer to see that such compartment is provided. 1908-9, c. 6, s. 120.

**121.** Every deputy returning officer shall before the open- <sup>Posting</sup> ing of the poll cause to be posted on the outside of the entrance <sup>directions</sup> to the polling booth as well as in the compartment in the polling booth a copy of the directions referred to in section 118 hereof. 1908-9, c. 6, s. 121.



Secretary to  
furnish  
copies

**122.** The secretary shall prior to every election furnish every returning officer with at least two copies of section 118 hereof and it shall be the duty of the deputy returning officer to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling. 1908-9, c. 6, s. 122.

Secretary to  
furnish  
copies of  
voters' list

**123.** Except in the case of elections held prior to the completion of the municipal voters' list it shall be the duty of the secretary of the municipality to furnish to the returning officer for distribution to his deputies such number of copies of the said list as the returning officer may require. 1908-9, c. 6, s. 123.

Poll book

**124.** The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll and such poll book shall be in the following form:

POLL BOOK.

For Division No. \_\_\_\_\_ of the Rural Municipality of  
No. \_\_\_\_\_ Record of Election held this  
day of \_\_\_\_\_ 19 \_\_\_\_\_ for the election of (*state purpose of election*).

Name of Voter	His No. on Voters' List	Voted for		Sworn or Refused to Swear	Remarks
		Reeve	Coun- cillor		

1908-9, c. 6, s. 124.

Agents

**125.** Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at the polling place shall be recognised as such by the deputy returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes. 1908-9, c. 6, s. 125.

Persons  
present in  
polling booth

**126.** The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and the candidates for reeve, any candidate for councillor and not more than two agents of any such candidate and one voter. 1908-9, c. 6, s. 126.

**127.** At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated.  
1908-9, c. 6, s. 127.

**128.** The persons entitled to vote for reeve or councillor shall be the electors of the municipality.

(2) In the case of an annual or general election each elector shall be entitled to vote once only for reeve and every such elector may vote for one councillor only in each division of the municipality in which his name appears on the municipal voters' list.

(3) In the case of any special election for the election of a councillor in any division of the municipality each elector whose name appears on the municipal voters' list for such division shall be entitled to vote. 1908-9, c. 6, s. 128; 1910-11, c. 21, s. 7.

DECLARATION OF RESIDENT ELECTORS.

**129.** In the case of every election held prior to the completion of the first municipal voters' list every person who presents himself for the purpose of voting shall be required before he is handed a ballot paper or papers to sign a declaration in the form following and the deputy returning officer shall permit every person who signs the said declaration to vote and shall record in the poll book the name of each person who signs such declaration.

Taken this                      day of                      19   .   The undersigned severally declare each for himself:

- 1. That he is of the full age of eighteen years;
- 2. That he is the owner or occupant of assessable land in the division.

Name	Land Voted on

(2) At such election each person signing the said declaration shall be entitled to vote once only for reeve and every such person may vote for one councillor only in each division of the municipality in which he signs the said declaration.

(3) Any person subscribing to the declaration aforesaid and who thereby makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20. 1908-9, c. 6, s. 129; 1910-11, c. 21, s. 8.

Voter's  
name must  
be on voters'  
list

**130.** In the case of every election held subsequently to the completion of the first municipal voters' list the deputy returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting under a name apparently intended for such person is on the municipal voters' list supplied to him by the returning officer and (if so required by resolution of the council) that all taxes due by such person to the municipality have been paid; and the deputy returning officer or poll clerk shall record in the poll book the name of each such person.

Voters must  
pay taxes

(2) The deputy returning officer shall not permit to vote any person whose name does not appear on the said list nor any person whose name does appear on the said list unless (if so required by resolution of the council) all taxes due by such person to the municipality are shown by the said list to have been paid or unless such person produces to the deputy returning officer an official receipt from the treasurer of the municipality to the effect that all taxes due by such person to the municipality have been paid. 1908-9, c. 6, s. 130.

Swearing  
voter on  
demand of  
agent

**131.** Before a ballot paper or papers is or are handed by the deputy returning officer to any voter he shall ask if there is any objection to allowing the person before him to vote and in case any candidate or his agent objects it shall be the duty of the deputy returning officer to administer to such person the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) by the name of

in the municipal voters' list now shown to you (*showing the list to the voter*); that you are of the full age of eighteen years; that you have not voted before in this division for a councillor (*and if ballot paper for reeve is asked for or for a reeve*) in any division of this municipality at this election; that you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election; that you have not received anything nor has anything been promised you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other service connected with this election; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God. 1908-9, c. 6, s. 131; 1910-11, c. 21, s. 9.

Entry of  
oath on poll  
book

**132.** If the voter takes the said oath the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact. 1908-9, c. 6, s. 132.



**133.** Whenever a voter is required to take the said oath and he refuses to do so the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear" and such person shall not be allowed to vote but shall be required to immediately leave the polling booth and shall not be allowed to again enter the same on the day of election for any purpose whatever. 1908-9, c. 6, s. 133.

**134.** When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner heretofore provided the deputy returning officer shall sign his initials on the back of the ballot paper or papers to which such person is entitled and hand the same to him. 1908-9, c. 6, s. 134.

**135.** The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting. 1908-9, c. 6, s. 135.

**136.** In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper the deputy returning officer shall in plain view of the candidates or their agents cause the vote of such person to be marked on a ballot paper or papers for the candidate or candidates directed by such person and shall cause the ballot paper or papers to be deposited in the ballot box. 1908-9, c. 6, s. 136.

**137.** Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by section 134 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid. 1908-9, c. 6, s. 137.

**138.** When the name of any elector appears on the municipal voters' list for more than one division of the municipality he shall vote for reeve once only in that division of the municipality as he may elect. 1908-9, c. 6, s. 138; 1910-11, c. 21, s. 10.

**139.** Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty of \$50. 1908-9, c. 6, s. 139.

**140.** The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. 1908-9, c. 6, s. 140.

Method of  
voting

**141.** Upon receiving from the deputy returning officer the ballot paper or papers prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper or papers in the manner mentioned in the directions contained in section 118 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any place within the division which contains the name of the candidate, he shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without showing the front to anyone or so displaying the ballot paper as to make known to any person the name of the candidates for whom he has or has not marked his ballot paper deliver the ballot paper so folded to the deputy returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

(2) Whenever the ballot paper of a voter has been deposited in the ballot box as provided by subsection (1) of this section the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns after the voter's name the word "voted." 1908-9, c. 6, s. 141.

Secrecy of  
vote

**142.** While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper. 1908-9, c. 6, s. 142.

Forfeiture  
of right to  
vote

**143.** No person who has received a ballot paper from the returning officer shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same. 1908-9, c. 6, s. 143.

Voter may  
obtain  
second ballot  
paper

**144.** A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on

delivering to the returning officer the ballot paper so inadvertently dealt with receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same. 1908-9, c. 6, s. 144.

#### PROCEEDINGS AT CLOSE OF POLL.

**145.** Immediately at the hour of four o'clock (mountain <sup>Close of poll</sup> standard time) the deputy returning officer shall declare the poll closed:

Provided that in case when the poll is so closed there is a voter in the polling booth who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose. 1908-9, c. 6, s. 145.

**146.** Immediately after the close of the poll the deputy <sup>Opening</sup> returning officer shall in the presence of the poll clerk, if any, <sup>ballot box</sup> and of such of the candidates or of their agents as may then be present open the ballot box and proceed as follows:

1. He shall examine the ballot papers individually and any <sup>Counting</sup> ballot paper which is not initialed as herein provided or on <sup>votes</sup> which more than one vote is given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall not be counted but shall be set aside as rejected;

2. The deputy returning officer shall take notice of any <sup>Objections</sup> objection made by a candidate or his agent or any elector <sup>to be noted</sup> authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;

3. The deputy returning officer shall then count up the <sup>Count</sup> votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) The number of the division and the name and number of the municipality and date of election;
- (b) The number of persons who voted at the polling booth;
- (c) The number of votes for each candidate for reeve;
- (d) The number of votes for each candidate for councillor;



- (e) The number of ballot papers supplied to the deputy returning officer;
- (f) The number of rejected ballot papers for reeve;
- (g) The number of rejected ballot papers for councillor;
- (h) The number of cancelled ballot papers and ballot papers marked "refused";

Signed  
statement

4. Upon completion of the written statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof and such written statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same;

Certificate  
of count

5. Every deputy returning officer upon being requested so to do shall deliver to each of the persons authorised to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers;

Sealing  
packets of  
ballot papers

6. The deputy returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents:

- (a) The ballot papers counted for reeve;
- (b) The ballot papers rejected for reeve;
- (c) The ballot papers counted for councillors;
- (d) The ballot papers rejected for councillors;
- (e) The unused, cancelled and rejected ballot papers;

Statement  
of deputy  
returning  
officer

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

I, \_\_\_\_\_ the deputy returning officer for  
Division No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_  
do hereby declare that to the best of my knowledge and belief  
I have conducted the election held by me on this date in the  
manner provided by law and that the entries required by law  
to be made in the poll book have been correctly made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

.....  
Witness. Deputy Returning Officer.

Sealing  
ballot box

8. The deputy returning officer shall then place all the said packets together with the poll book and the municipal voters' list used by him in the ballot box which shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals. 1908-9, c. 6, s. 146.

**147.** The deputy returning officer of each division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of the written statement entered in the poll book and upon receipt of the same the returning officer shall give to such deputy a receipt therefor. 1908-9, c. 6, s. 147.

**148.** At twelve o'clock noon on the day and at the place previously appointed by him for the purpose the returning officer shall in the presence of such of the candidates or their agents as may be present break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by section 146 hereof required to be taken by a deputy returning officer and shall make and initial all necessary corrections in the statement entered in the poll book.

(2) In case the ballot box used in any division has been lost or destroyed the returning officer shall use the duplicate written statement delivered to him by the deputy returning officer for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

(3) When the ballot papers have all been examined and counted the returning officer shall forthwith sum up and announce the number of votes which he has allowed for each candidate including any votes allowed under subsection (2) of this section and shall publicly declare to be elected the candidate having the highest number of votes for each office to be filled. 1908-9, c. 6, s. 148.

**149.** In case it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer shall at the time when he declares the result of the poll give a casting vote so as to decide the election. 1908-9, c. 6, s. 149.

**150.** Except in such case no returning officer shall vote at any election. 1908-9, c. 6, s. 150.

**151.** Forthwith after the election the returning officer shall transmit to the secretary of the municipality the sealed ballot boxes and duplicate written statements used in the election and thereafter the said secretary shall be responsible for their safe keeping and for their delivery when needed. 1908-9, c. 6, s. 151.

**152.** The secretary of the municipality shall unless otherwise ordered by the judge of the district court of the judicial district within which the municipality is wholly or mainly situated retain for two months the said ballot boxes with their seals unbroken and shall then unless otherwise ordered as



aforesaid cause the ballot boxes to be opened and the packets therein to be destroyed in the presence of two witnesses. 1908-9, c. 6, s. 152.

Inspection

**153.** No person shall be allowed to inspect any ballot papers in the custody of the secretary of a municipality except under order of the judge of the district court of the judicial district within which the municipality is wholly or mainly situated to be granted by the said judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary. 1908-9, c. 6, s. 153.

Order for

**154.** The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge of such district court thinks expedient. 1908-9, c. 6, s. 154.

RECOUNT.

Recount

**155.** If at any time within five days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to such returning officer that such returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers and the sum of \$50 as security for the payment of costs and expenses is deposited with such returning officer; such returning officer shall forthwith forward such affidavit and deposit to the clerk of the district court of the judicial district within which the municipality is wholly or mainly situated who shall forthwith notify the judge of such court; the judge shall thereupon appoint a time to recount the votes and cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same and to the secretary of the municipality whose duty it shall be to be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.

(2) The said deposit of \$50 shall not be paid out by the clerk without the order of the said judge. 1908-9, c. 6, s. 155.

Attendance  
of clerk  
with papers

**156.** The judge, the clerk of the court, the secretary of the municipality and each candidate and his agent or solicitor notified to attend the recount of votes and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes. 1908-9, c. 6, s. 156.



**157.** At the time and place appointed and in the presence <sup>Mode of counting</sup> of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the ballot papers received by the deputy returning officers of the several divisions of the municipality as having been given in the election complained of and he shall proceed with such recount as follows:

1. The judge shall break the seals on one of the ballot boxes containing the votes to be counted and take from such ballot box the packets deposited therein;

2. He shall then examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer for reeve or councillor, as the case may be, and during the course of such examination the judge shall keep a tally or count of the votes cast for each candidate and he shall reject as void and shall not count:

- (a) Any ballot paper on which two or more votes are given;
- (b) Any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;
- (c) Any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified; but no word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall affect the vote;

3. In case the ballot box used in any division has been lost or destroyed the judge shall use the duplicate written statement for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates;

4. The judge shall take notice of any objection made by a candidate or his agent to any ballot paper and shall decide any question arising out of the objection and the decision of the judge shall be final;

5. Upon the completion of the examination and count of the ballot papers contained in the first ballot box opened the judge shall forthwith announce the result of the count and replace the ballot papers in the box which shall be locked and sealed by the secretary in the presence of the judge;

6. The judge shall then proceed, if the recount applied for is of such a nature as to make it necessary, to examine and count in a similar manner the ballot papers contained in each of the other ballot boxes in turn;

7. When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate including any votes allowed under clause 3 of this section and he shall there and then declare elected the candidate having the highest number of votes;

8. In case any two or more candidates for the same office have been allowed by the judge the same number of votes he shall write the names of such candidates separately on blank pieces of paper and after folding the same in such way that the names shall be concealed deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the said papers and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected;

9. The judge shall then make and transmit forthwith to the secretary of the municipality a written statement of the result of the recount and every written statement shall show:

- (a) The names of the candidates;
  - (b) The number of votes allowed for each candidate;
  - (c) The number of ballot papers rejected;
  - (d) The names of the candidates declared elected.
- 1908-9, c. 6, s. 157.

Quo  
warranto  
proceedings

**158.** Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise. 1908-9, c. 6, s. 158.

Costs

**159.** All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent. 1908-9, c. 6, s. 159.

Scale of  
costs

**160.** The costs shall be on the district court scale and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client. 1908-9, c. 6, s. 160.

Enforcement  
of payment  
of costs

**161.** The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the nonpayment thereof. 1908-9, c. 6, s. 161.

## GENERAL PROVISIONS.

**162.** No person who has voted at an election shall in any legal proceedings to question the election or returns or otherwise relating thereto be required to state for whom he has voted. 1908-9, c. 6, s. 162. Secrecy of votes

**163.** A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorised to attend. 1908-9, c. 6, s. 163. Candidate acting on his own behalf

**164.** When in this Act expressions are used requiring or authorising any act or thing to be done or implying that any act or thing be done in the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is done the nonattendance of any agent at such time and place shall not invalidate it. 1908-9, c. 6, s. 164. Candidates and agents

**165.** No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election. 1908-9, c. 6, s. 165. Errors not affecting results

**166.** All necessary expenses incurred for an election under this Act shall be paid out of the funds of the municipality upon the production of proper accounts verified in such manner as the council may direct. 1908-9, c. 6, s. 166. Payment of election expenses

**167.** All proceedings for contesting in any way an election or the voting on any bylaw under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*. 1908-9, c. 6, s. 167. Controverted Municipal Elections Act

## OFFENCES AND PENALTIES.

**168.** No person shall:

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or

Offences and penalties



- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of election; or
- (e) Apply for a ballot paper in the name of some other person whether that name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing he is the person intended by the name entered on the voters' list in respect of which he so applies; or
- (f) Having voted once and not being entitled to vote again at the same election apply for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable if he is the returning officer or deputy returning officer to imprisonment for any term not exceeding two years with or without hard labour and if he is any other person to imprisonment not exceeding six months with or without hard labour. 1908-9, c. 6, s. 168.

#### Penalties

**169.** Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 101 to 170 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200. 1908-9, c. 6, s. 169.

#### Duties of election officers

**170.** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour. 1908-9, c. 6, s. 170.

**171.** Every voter who displays his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper shall be guilty of an offence and liable on summary conviction before a justice of the peace to a fine not exceeding \$25 and costs. 1908-9, c. 6, s. 171. Penalty for displaying ballot

## PART IV.

### Municipal Officials.

#### APPOINTMENT.

**172.** Every council shall at its first meeting or so soon thereafter as practicable appoint the following officers: Officials

(a) A secretary and a treasurer or a secretary treasurer;

(b) An assessor who may be the secretary, the treasurer or the secretary treasurer. 1908-9, c. 6, s. 172.

**173.** Every council may also appoint from time to time such other officers, servants or employees as it deems necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any bylaw of the municipality. 1908-9, c. 6, s. 173. Appointment of officers

**174.** A councillor is not eligible to be appointed to any office under the municipality. 1908-9, c. 6, s. 174. Councillor not eligible for office

**175.** The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or by application at the lowest remuneration. 1908-9, c. 6, s. 175. Appointment not to be by tender

**Tenure of office**

**176.** All officers appointed by the council shall hold office during the pleasure of the council and in accordance with the terms expressed in the resolution by which they are appointed; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council. 1908-9, c. 6, s. 176.

**SECURITY.****Security for faithful performance of duties**

**177.** In addition to defining the duties of any officer the council may require him to give such security as it may deem expedient for the faithful performance of his duties and during the month of January in each year all such securities shall be produced to the reeve and shall be laid by him before the council. 1908-9, c. 6, s. 177.

**Security for faithful accounting**

**178.** The treasurer of every municipality shall before entering upon his duties give security to the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust; and such security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

(2) The members of any council failing to take such security shall be jointly and severally liable for any default of the treasurer to the extent of the sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect to take such security on the demand of any councillor such demand being duly recorded in the minutes such councillor shall be relieved from all personal liability in case of the default of such officer.

(3) Such bond may be in such form as is approved by the minister and a duplicate copy thereof shall be forthwith transmitted to the minister. 1908-9, c. 6, s. 178.

**Liability**

**179.** Every officer, servant and agent of the municipality shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults. 1908-9, c. 6, s. 179.

**SECRETARY.****Duties of secretary**

**180.** It shall be the duty of the secretary of the municipality:

1. To keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for



that purpose and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the reeve or other presiding officer;

2. To enter in the minutes of every meeting the names of the members of the council present at such meeting;

3. To conduct the correspondence of the council as directed by it;

4. To transcribe into a special book to be provided for the purpose a true and correct copy of every bylaw passed by the council which copy may be either written or printed or partly written and partly printed and to prepare a proper index for such bylaws;

5. To take charge of and keep on record all books, papers, accounts, assessment rolls, plans, maps, correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;

6. To faithfully prepare and duly transmit to the minister such statements and reports and such other information in regard to the municipality as may from time to time be required by the minister and in such form as he may direct;

7. To call any special or other meeting of the council in the manner provided by this Act;

8. To produce for inspection the minute and other books and all papers and records of whatsoever kind in his possession when required so to do by an inspector;

9. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council.

1908-9, c. 6, s. 180.

#### TREASURER.

**181.** It shall be the duty of the treasurer of the municipality: **Duties of  
treasurer**

1. To receive and safely keep all moneys belonging to the municipality from whatever source;

2. To deposit daily or as often as the council may direct in some chartered bank designated by the council all money received by him;

3. To submit all accounts and charges against the municipality which he receives for the consideration of the council;

4. To pay all accounts against the municipality only when they have been passed by the council and certified by the reeve or other presiding officer;

5. To make all payments on behalf of the municipality by cheque on the chartered bank in which the moneys of the

municipality are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the reeve or in his absence by the deputy reeve;

6. To give and take receipts for all the moneys of the municipality received and disbursed and to keep on file all vouchers of expenditure;

7. To keep in a cash book or such books of record and in such form as may from time to time be prescribed by the minister a complete and detailed record of all the financial transactions of the municipality;

8. To submit to the council quarterly and whenever required so to do by the council a balance sheet showing the financial standing of the municipality;

9. To produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the municipality and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office;

10. To faithfully prepare and duly transmit to the minister such reports and statements as may from time to time be required by the minister and in such form as he may direct;

11. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council. 1908-9, c. 6, s. 181.

Financial  
year

**182.** The financial year of the municipality shall commence on the first day of January and close on the thirty-first day of December in each year. 1909, c. 24, s. 1.

#### AUDITOR.

Auditor

**183.** The council shall at its first meeting in each year or within two months thereafter appoint an auditor but no one who then or during the preceding year is or was a member of the council or is or was secretary or treasurer or who has directly or indirectly any share or interest in any contract made by the municipality or who is employed by the municipality in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor. 1908-9, c. 6, s. 183.

Auditor's  
reports

**184.** On or before the fifteenth day of November in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures and liabilities of the municipality for the ten months ending on the preceding thirty-first day of October including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise disposed of and those remaining on hand.

(2) The treasurer shall on or before the fifteenth day of November supply a copy of such abstract to each councillor who shall retain the same at his residence where it shall be open for inspection at all reasonable hours by any elector; the treasurer shall also supply a copy of such abstract to the returning officer who shall read the same at the nomination meeting.

(3) On or before the first day of March in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures, assets and liabilities of the municipality for the financial year ending on the thirty-first day of December of the preceding year including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the reeve who shall lay the same before the council at its next meeting; and the secretary on or before the first day of April in each year shall mail a copy of such abstract and report to the minister and to every elector of the municipality. 1908-9, c. 6, s. 184; 1909, c. 24, ss. 2, 3; 1910-11, c. 21, s. 11.

Abstract of  
receipts, ex-  
penditures,  
etc., for the  
year

**185.** Any elector may inspect the said abstracts and reports or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom. 1908-9, c. 6, s. 185.

Inspections

**186.** The declaration of office to be made and subscribed by every auditor shall be as follows:

Auditor's  
declaration  
of office

I, *A. B.*, having been appointed to the office of auditor for the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the municipality. So help me God.

Made before me at  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
.....  
A Com., N.P. or J.P. }

1908-9, c. 6, s. 186.

## PART V.

### Municipal Bylaws and General Powers and Duties of Councils.

#### BYLAWS.

**187.** Except as herein provided the council of every municipality may exercise the duties and powers conferred on it

Resolutions  
of council



by this Act either by resolution or by bylaw. 1908-9, c. 6, s. 187.

Bylaw to be  
under seal

Three  
readings

**188.** Every bylaw shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the bylaw is finally passed and by the secretary; and every such bylaw shall have three distinct and separate readings before the same shall be finally passed but not more than two readings shall be had at any one meeting except by the unanimous vote of the council. 1908-9, c. 6, s. 188.

Validation of  
bylaw..

**189.** In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of passing thereof. 1908-9, c. 6, s. 189.

Assent of  
electors and  
minister to  
money bylaw

**190.** No bylaw for raising money by way of debentures shall have any effect until the same has received the assent of two-thirds of the electors of the municipality voting thereon and the approval of the minister as hereinafter provided. 1908-9, c. 6, s. 190.

Council may  
do omitted  
work

**191.** When any council has authority to direct by bylaw that any matter or thing shall be done by any person such council may also by the same or another bylaw direct that in default of its being done by the person such matter or thing shall be done at the expense of the person in default and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes. 1908-9, c. 6, s. 191.

Evidence of  
bylaw

**192.** A copy of any bylaw written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council shall be authentic and received as *prima facie* evidence of its passing and of the contents thereof without any further proof in any court unless it is specifically alleged or pleaded that the seal or the signature of the secretary or member of the council has been forged. 1908-9, c. 6, s. 192.

Bylaws  
generally

**193.** It shall be the duty of the council of every municipality to pass such bylaws not inconsistent with any law in force in this province as it may deem expedient for all or any of the following purposes:

Public health

1. Providing for the health of the municipality and the prevention of the spread of infectious and contagious diseases;

2. Regulating nuisance grounds within the municipality <sup>Nuisance grounds</sup> and making provision for the disposal of the refuse of hamlets by licensing scavengers or otherwise;
3. Controlling any cemetery and preventing the burial of <sup>Cemetery</sup> the dead within any hamlet;
4. Granting aid for the erection and maintenance of <sup>Hospitals</sup> hospitals;
5. Granting aid or relief to any needy person who is a <sup>Aid to needy persons</sup> resident of the municipality;
6. Providing for planting and protecting trees on highways <sup>Trees</sup> and public places;
7. Imposing penalties for light weight and short measure- <sup>Light weight</sup> ment;
8. Preventing cruelty to animals; <sup>Cruelty to animals</sup>
9. Restraining and regulating the running at large of <sup>Dogs</sup> dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;
10. Carrying out the provisions of *The Wolf Bounty Act*; <sup>Wolf bounty</sup>
11. Preventing prairie or running fires and making provi- <sup>Prairie fires</sup> sions for the enforcement of *The Prairie Fires Act*;
12. Licensing, regulating and governing hawkers and <sup>Hawkers and pedlers</sup> pedlers; but a license shall not be granted by a rural municipality unless the applicant is a holder of a provincial license for hawkers and pedlers;
13. Compelling the removal of dirt, stones, filth, dust or <sup>Removal of dirt, etc. from roads</sup> rubbish off the roads, lanes or other public places within the municipality by the party depositing the same and the placing of the same where ordered by the council;
14. Regulating the storage of gunpowder and other combus- <sup>Storage of gunpowder</sup> tible, explosive or dangerous materials within the municipality;
15. Preventing the ploughing of roads and the incum- <sup>Incumbering the streets</sup> bering or obstructing of roads and other places by vehicles or other articles or things;
16. Regulating the driving and riding of horses and other <sup>Regulating use of bridges and highways</sup> cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same;
17. Making provision for regulating the use of bridges and <sup>Traction engines</sup> culverts by portable steam engines or steam traction engines;
18. Making provision for the carrying out of any provin- <sup>Motor cars</sup> cial law regulating the speed of motor vehicles on highways;
19. Granting aid to agricultural societies; <sup>Aid to agricultural societies</sup>

Census

20. Taking the census of the municipality or any part thereof;

Extermination of animals

21. Providing ways and means for the extermination of such animals as are found to injure or impede agriculture;

22. Providing for the destruction of gophers on untaxable lands at the expense of the municipality. 1908-9, c. 6, s. 193; 1910-11, c. 21, ss. 12 and 13.

**193a.** In case proper steps have not been taken by the owner of any land to exterminate gophers on such land pursuant to any bylaw passed in that behalf on or before a day to be fixed in the bylaw any person or persons duly authorised thereunto by the council may enter upon the said land and may take such steps as may be necessary to exterminate the gophers thereon.

(2) The amount expended in the work performed under subsection (1) hereof may be recovered from the owner or occupant of the land by action in the name of the reeve or by distress by the reeve or his agent of any chattels on the land:

Provided that the amount so expended shall not exceed two and one-half cents per acre.

(3) Any such amount which has not been satisfied on or before the first day of January next following its expenditure shall be added to and form part of the assessment for municipal purposes of such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the municipality. 1910-11, c. 21, s. 14.

#### INFRACTION OF BYLAWS.

Power to inflict penalties

**194.** The council of every municipality may pass bylaws for inflicting reasonable fines and penalties not exceeding \$100 exclusive of costs for breach of any of the bylaws of the municipality and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the costs of committal are sooner paid.

Copies of bylaw to be sent to minister

(2) Two copies of every such bylaw under the seal of the municipality and certified as correct by the reeve and the secretary shall be transmitted to the minister and no such bylaw shall have any force or effect until one of the said duplicate copies is returned to the secretary approved by the minister.

Penalty to be paid to municipality

(3) Any penalty or fine under any bylaw of a municipality shall if no other provision be made respecting it belong to the municipality for the public use of the same and form part of the general revenue of the municipality. 1908-9, c. 6, s. 194.



**195.** In the event of any person being committed to gaol by reason of a breach of any bylaw of a municipality there shall be chargeable to such municipality such part of the expenses paid by the province for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council. 1908-9, c. 6, s. 195.

Transportation and maintenance of prisoners

#### QUASHING BYLAWS AND RESOLUTIONS.

**196.** Any elector of the municipality may within two months after the passing of any bylaw or resolution of the council apply to the judge of the district court of the judicial district within which the municipality is wholly or mainly situated upon motion to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part and may according to the result of the application award costs for or against the municipality and may determine the scale of such costs.

Motion to quash

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is made.

Notice of motion

(3) The bylaw or resolution may be proved by the production of a copy thereof written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

Proof of bylaw

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into recognisance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

Security for costs

(5) The judge may allow the said recognisance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the district court with the other papers relating to the motion.

Affidavits of justification

(6) In lieu of the recognisance mentioned in subsections (4) and (5) of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him and the certificate of such payment into court having been made shall be filed in the district court with the other papers relating to the motion.

Payment into court

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs to be paid out to the applicant in the discretion of the judge according to the result of the application.

Payment out of court

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court. 1908-9, c. 6, s. 196.

Procedure

Bylaws  
procured by  
bribery and  
corruption

**197.** Any bylaw which has been procured to be passed through or by means of any violation of the provisions of sections 3 and 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained. 1908-9, c. 6, s. 197.

#### POWERS AND DUTIES OF COUNCILS.

Further  
powers of  
councils

**198.** In addition to all other duties and powers conferred on councils by this Act the council of every municipality shall have power:

Acquire  
lands

1. To purchase, lease or otherwise acquire for the use of the municipality any estate in landed property within or without the municipality for exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon any municipal building and to erect, furnish, maintain and repair such buildings as may be beneficial to the municipality:

Proviso

Provided that in any one year no expenditure or liability of more than \$500 shall be incurred under the provisions of this clause until a bylaw shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those voting thereon and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the municipality on a bylaw for raising money by way of debentures;

Weigh scales

2. To establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the municipality or within any village or town;

Roads

3. To lay out, construct, repair and maintain roads, lanes, bridges, culverts and any other necessary public work in the interests and for the use of the municipality;

Drains

4. To construct through lands lying within or without the municipality such drains as may be expedient to secure the proper drainage of the municipality and to prevent the obstruction of the same;

Water  
supply

5. To make provision for a supply of water for the municipality or any portion thereof and to regulate the use of the same and to prevent the placing of anything prejudicial to health in any stream or body of water in the municipality;

Temporary  
road

6. To open and maintain a temporary road or right of way for public purposes for a term not exceeding two years across any private property or properties when in the opinion of the council the condition of the public roads in the neighbourhood make such action necessary or expedient; and the council shall in every such instance pay to the owners or occupiers of any land so opened as a temporary road such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the



persons interested or in the event of a disagreement such compensation as may be determined by arbitration under the provisions of *The Arbitration Act*;

7. To lease any portion of any public highway or road to <sup>Lease roads</sup> any person for a term not exceeding five years; but every such lease shall be subject to cancellation by either the lessor or lessee on one year's notice in writing;

8. To instal and operate within or without the municipality <sup>Ferries</sup> any ferry if licensed to do so, under the provisions of *The Public Works Act*;

9. To acquire either separately or jointly with any other <sup>Pile drivers, stone crushers, etc.</sup> municipality any grader, pile driver, stone crusher, roller or any other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the municipality or municipalities;

10. To sell, lease or otherwise dispose of or to devote to <sup>Disposal of property</sup> some other municipal purpose in whole or in part any property acquired by the municipality for a specific purpose when such property in the opinion of the council is no longer needed for such purpose;

11. To unite with the councils of other municipalities for <sup>Unite with other municipalities</sup> the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities;

12. To exempt in its discretion from the payment of municipal taxes wholly or in part any indigent persons residing <sup>Exemption from taxation</sup> within the municipality;

13. To enter upon and take and use and acquire so much <sup>Expropriation</sup> real property as may be required for any highway, road, street, bridge, ferry or other public work in the municipality without the consent of the owners of such real property making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Act*;

14. To unite with the council of any city, town or village within the municipality or the area of which touches at some point the limits of the municipality for the purpose of erecting an office building which shall be used jointly by the councils having an interest therein; but the amount to be expended in the purpose of acquiring such office building or interest therein shall not exceed the sum of two thousand dollars exclusive of the maintenance and heating of such building. 1908-9, c. 6, s. 198; 1910-11, c. 21, s. 15.



Bonus, etc.,  
prohibited

**199.** No council of any municipality shall have power:

1. To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill, railway or any other business or concern whatever either within or without the municipality;

2. To exempt from taxation any such manufactory, mill, railway or other business or concern;

3. To subscribe for stock in or to guarantee the bonds, debentures or other securities of any such railway or other company. 1908-9, c. 6, s. 199.

#### APPORTIONMENT OF EXPENDITURES.

Apportion-  
ment of  
expenditure  
between  
divisions

**200.** The council shall cause at least one-half of the total amount estimated to be expended in the municipality for general municipal purposes to be apportioned among the divisions thereof in proportion to the amount of taxable property therein respectively as shown by the assessment roll and the amount so apportioned to each division shall be expended on public works in such division:

Provided that the council may by resolution unanimously adopted at a meeting of the whole council decide that the amount to be apportioned as aforesaid may be reduced to any amount not less than one-quarter of the said total estimate. 1908-9, c. 6, s. 200.

#### NOXIOUS WEEDS.

Appointment  
of inspectors

**201.** It shall be the duty of every council and it shall have power to appoint from time to time such inspector or inspectors as are required to carry out and enforce the provisions of *The Noxious Weeds Act* within the municipality; and every inspector so appointed shall have all the powers and shall perform all the duties of an inspector appointed in accordance with the provisions of the said Act and shall be paid such remuneration as the council may fix. 1908-9, c. 6, s. 201.

Inspector  
may destroy  
weeds

**202.** In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector in accordance with the provisions of *The Noxious Weeds Act* or in case the name or address of the owner of such land is unknown the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit. 1908-9, c. 6, s. 202.

**203.** The amount expended in the work performed under the next preceding section may be recovered from the owner or occupant of the land by action in the name of the reeve or the inspector or by distress by the reeve or inspector or the agent of either of any chattels on the land. 1908-9, c. 6, s. 203. Recovery of amount expended

**204.** Any such amount which has not been satisfied before the first day of January next following its expenditure shall be added to and form part of the assessment for municipal purposes of such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the municipality. 1908-9, c. 6, s. 204; 1910-11, c. 21, s. 18. Amount expended recovered in same manner as taxes

**205.** A certificate purporting to be signed by the treasurer to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein shall be *prima facie* evidence that the amount named has been so expended. 1908-9, c. 6, s. 205. Certificates prima facie evidence of expenditure

**206.** Every inspector who neglects to perform any duty placed upon such officials by the said Act or by the council shall in respect of each instance of neglect be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$25 and costs. 1908-9, c. 6, s. 206. Neglect by inspector

**207.** Every fine, penalty and forfeiture imposed by the said Act for a violation of any of its provisions shall be payable to the municipality whose council takes the necessary steps to enforce such fine, penalty or forfeiture, as the case may be. 1908-9, c. 6, s. 207. Penalty to go to municipality

#### RESTRAINING ANIMALS AT LARGE.

**208.** On the first day of May next following the organisation of any municipality all the provisions of *The Herd Act* and *The Pound District Act* shall cease to be operative within such municipality. 1908-9, c. 6, s. 208. Herd and Pound Act

**209.** The council shall have full power to pass bylaws for restraining animals at large and in any such bylaw may: Restraining animals at large

1. Describe the several kinds of animals the bylaw purports to require to be restrained;

2. Determine what condition shall constitute an animal at large;

3. Determine whether animals at large shall be restrained throughout the whole year or only a portion thereof, and if only a portion what portion;

4. Determine whether such bylaw is to be made applicable to the whole municipality or only to a portion or portions thereof and if only a portion or portions what portion or portions;

5. Determine whether animals not the property of occupants shall be permitted to be at large within the municipality; and if such permission is given by such bylaw the conditions under and the time or times during which such animals may be at large in the municipality;

6. Determine whether animals not the property of occupants within any portion of the municipality shall be permitted to be at large within such portion of the municipality and if such permission is given by such bylaw the conditions under and the time or times during which such animals may be at large within such portions;

7. Prescribe the manner in which animals required by such bylaw to be restrained from being at large shall be distrained and the places at which and the persons with whom animals so distrained shall be impounded;

Damages

8. Determine the manner in which the amount of damage, if any, done by any animals impounded under the provisions of any such bylaw shall be appraised and collected.

(2) In every such bylaw the council shall incorporate all the provisions of this Act and any amendments thereto relating to the restraining of animals at large:

Provision as  
to taking  
effect

Provided always that no such bylaw shall take effect until the expiration of two months after the passing thereof except in the case of a bylaw passed for the purpose of extending the period provided in an existing bylaw during which animals shall be restrained from being at large, in which case any such bylaw may come into force fifteen days after the passing thereof. 1910-11, c. 21, s. 16; 1912, c. 29, s. 3.

Lawful  
fences

**209a.** The council shall have full power under the provisions of any Act relating to boundary or line fences to pass bylaws determining what shall constitute a lawful fence. 1910-11, c. 21, s. 17.

Penalty for  
improper  
impounding

**210.** If any poundkeeper impounds or assists or incites or employs any person to impound any animal in any municipality unless such animal was an estray or was trespassing upon the poundkeeper's own land he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.



(2) Every poundkeeper shall at his own cost keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome sustenance and provide for them such shelter as is commonly provided at the time for animals of similar age and class in the vicinity and the poundkeeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every poundkeeper shall be responsible to the owner of any impounded animal for every loss or damage occasioned by any act or negligence of himself or his agent. In no case shall a barbed wire corral be regarded as a suitable pound. 1908-9, c. 6, s. 210 ; 1910-11, c. 21, s. 19 ; 1912, c. 42, s. 12.

Pounds to be kept clean and animals cared for

**211.** If the owner of any impounded animal is known to the poundkeeper the poundkeeper shall forthwith deliver or cause to be delivered to or at the place of residence of such owner or his servant a notice in the following form :

Notice to be given by poundkeeper

To (name of owner or government printer, as the case may be).

Notice is hereby given under section 211 of *The Rural Municipality Act* that (description of animal impounded) was impounded in the pound kept by the undersigned on the (description of quarter section or other place where pound is located) on the day of 19 .

.....  
Signature of Poundkeeper.

and such poundkeeper shall be entitled to receive such mileage rates for so doing as are provided therefor in section 216a hereof.

(2) In case such owner is not known or such owner or person notified shall not within ten days after the mailing or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and claims for damages the poundkeeper shall forward to the government printer for publication a notice in the form of this section accompanied by a fee of two dollars for such animal impounded :

Provided that the fees payable to the government printer in connection with each impoundment shall not exceed \$5. 1910-11, c. 21, s. 20.

**212.** Every poundkeeper shall without charge in addition to any copies of any notice which he may be required under this Act to post or deliver post a copy of every such notice in a conspicuous place at his pound and in the nearest post office and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. 1908-9, c. 6, s. 212.

Copies of all notices to be posted at pound

When  
impounded  
animals may  
be sold

**213.** When any animal shall not have been released from the pound within twenty days after the notice has been inserted in *The Saskatchewan Gazette* as in section 211 hereof mentioned the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the municipality one of which shall be the post office nearest the pound and at such sale the poundkeeper shall be the auctioneer; and such sale shall be held at the pound or at such other place as may be designated by bylaw of the municipality and shall commence at the hour of two o'clock in the afternoon and the poundkeeper shall not either in person or by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased. 1908-9, c. 6, s. 213.

Pound-  
keeper not  
to have  
interest in  
sale

When  
animals may  
not be sold

**214.** If more animals than one are impounded on any distress and the owner thereof is known the poundkeeper shall not sell any more of such animals after he has realised from the sales sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold.

(2) If the owner of the animals is unknown the poundkeeper shall sell all the animals impounded.

(3) The poundkeeper shall immediately after such sale send to the treasurer a description of the animal sold, the date of sale, the amount realised and the disposition thereof. 1908-9, c. 6, s. 214.

Pound-  
keeper need  
not be  
licensed as  
auctioneer

**215.** No poundkeeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer. 1908-9, c. 6, s. 215.

Disposal of  
proceeds of  
sale

**216.** The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment:

- (a) Of any costs and charges attending such sale;
- (b) Of all sustenance fees;
- (c) To the impounder of such animal the amount due to him for mileage charges and for damage done;

and the residue, if any, shall be paid to the owner of such animal or if not claimed at the time of sale by any person entitled thereto to the treasurer of the municipality. 1908-9, c. 6, s. 216.

**216a.** The following and no other shall be the services for the proper performance of which fees may be lawfully charged by the poundkeeper and in no case shall such fees exceed the maximum amount specified in connection with each service:

1. To provide for the care and sustenance of each animal for each day such animal is in his pound as follows:

- (a) For each stallion or bull fifty cents per day, but not exceeding \$30 for any one animal;
- (b) For each other horse, mule, jack, head of cattle or swine, thirty cents per day, but not exceeding \$18 for any one animal;
- (c) For each sheep or goat, twelve cents per day, but not exceeding \$8 for any one animal;

2. For notifying owner of animal impounded when such notice is sent by registered mail, ten cents;

3. For forwarding notification to the government printer for publication, ten cents;

4. For posting notices of animals impounded, each such notice to include all animals impounded at one distress or seizure, \$1;

5. For reimbursement of amount forwarded to government printer with notice for publication;

6. For posting notices of sale, each such notice to include all animals impounded at one distress or seizure, \$1;

7. For each mile necessarily travelled in the performance of his duties, ten cents;

8. For selling impounded animals and applying the proceeds as directed by this Act \$2.50 per centum commission upon the amount realised on the sale:

Provided however in cases where the price received for the animal or animals is less than the poundkeeper's fees the council shall compensate the poundkeeper to the extent of such difference. 1910-11, c. 21, s. 21; 1912, c. 29, s. 4.

**217.** Any money paid to the treasurer under the provisions of the next preceding section shall be paid over to the owner of the animal sold on evidence satisfactory to the council being furnished and application therefor being made to the council within twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the municipality. 1908-9, c. 6, s. 217.

Owner's  
claim to net  
proceeds

#### HIGHWAYS AND PUBLIC PLACES.

**218.** The title to all public roads, highways, streets and lanes in every municipality is hereby declared to be vested in the Crown in the right of the province and every such public road, highway, street and lane shall be subject to the direction, control and management of the council of the municipality in which it is situated. 1908-9, c. 6, s. 218.

Title to  
street, etc.



Right of  
entry by  
minister of  
public works

**219.** The minister of public works shall at all times have the right to enter any municipality for the purpose of constructing, erecting, maintaining or repairing any public work as defined by *The Public Works Act* and for any or all of these purposes every public road, highway or other public place or the part or parts thereof on which such work is being carried on shall until such work is completed and thereafter until otherwise ordered by the Lieutenant Governor in Council be under the direction, control and management of the said minister. 1908-9, c. 6, s. 219.

Repair of  
public works

**220.** Every council shall keep in repair all bridges, culverts and ferries and the approaches thereto which have been constructed or provided by the municipality or by any person with the permission of the council or which if constructed or provided by the province have been transferred to the control of the council; and in default of the council so to keep the same in repair the municipality shall be civilly liable for all damage sustained by any person by reason of such default. 1908-9, c. 6, s. 220.

Limitation of  
time for  
action

**221.** No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice of such action shall have been given to the secretary of the municipality within one month after the date upon which such damage was caused. 1908-9, c. 6, s. 221.

#### CARE OF SICK.

Care of the  
sick

**222.** The council of every municipality shall make due provision for the care and treatment of any person who has been a resident of the municipality for at least thirty days who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment. 1908-9, c. 6, s. 222; 1909, c. 24, s. 5; 1910-11, c. 21, s. 22.

Demand by  
hospital  
board

**223.** If such person is admitted as a patient by any hospital which receives aid from the general revenue of the province the board of such hospital may demand from the council a sum not exceeding one dollar per day for each day's actual treatment and stay of the patient in such hospital:

Provided that such demand shall be made within thirty days after the discharge or the death of the patient. 1908-9, c. 6, s. 223; 1909, c. 24, s. 6; 1912, c. 29, s. 5.

Recovery of  
payment  
from patient

**224.** Any sum thus paid by the municipality to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the municipality or if deemed advisable it may be added to and form part of the taxes levied

by the municipality against any land owned by the said patient and shall be collectible in the same manner and to the same extent as all other taxes of the municipality; and in the event of the death of the said patient the council may recover from his administrators and executors the said sum. 1908-9, c. 6, s. 224.

**225.** Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients of the municipality for such annual sum and subject to such conditions and restrictions as may be agreed upon. 1908-9 c. 6, s. 225

Agreement  
between  
council and  
board

## PART VI.

### Municipal Loans.

#### TEMPORARY.

**226.** The council of every municipality except as herein- after provided may from time to time by resolution authorise the reeve and treasurer to borrow from any person, bank or corporation such sum or sums of money as may be required to meet the current expenditures of the municipality until such time as the taxes for the current year are available; and such resolution shall regulate the amount to be borrowed and the rate of interest to be paid; and every such loan shall be repaid out of and shall be a first charge upon the taxes which are collected for the year in which such loan was made and may be secured by the promissory note or notes of the reeve and treasurer given under the seal of the municipality and on behalf of the council.

Temporary  
loans

(2) In any calendar year the total amount of all loans thus made shall not exceed sixty per centum of the total taxes levied by the municipality for the preceding year.

(3) The council of a municipality may at any time within twelve months after its organisation in anticipation of the collection and payment of the general taxes payable in any year from time to time borrow moneys on the credit of the municipal rates to an amount not exceeding one-half of the total estimated revenues of the municipality for the year. 1908-9, c. 6, s. 226; 1910-11, c. 21, s. 23.

**227.** \* \* \* \* Repealed. 1910-11, c. 21, s. 24.

#### DEBENTURE LOANS.

**228.** Should it appear desirable to the council of any municipality that a sum of money should be borrowed on the

Debenture  
bylaws

security of the municipality for the purpose of purchasing or constructing any road, highway, bridge, ferry or other municipal public work or for the purpose of purchasing or otherwise acquiring any land, gravel pit, right of way, easement or other interest in any land for the use of the municipality or for the purpose of draining any portion of the municipality or for the purpose of providing a supply of water for any portion of the municipality or for the purpose of purchasing or otherwise securing any machinery, tools or implements for the use of the municipality or for the purpose of assisting in the erection or enlargement of a hospital either within or without the limits of the municipality or for the purpose of purchasing, erecting, improving, altering, adding to or furnishing any building for the use of the municipality or for all or any of the said purposes it shall pass a bylaw to that effect which may be in such form as is prescribed by the minister or to the like effect and which shall be under the corporate seal of the municipality. 1908-9, c. 6, s. 228.

Notice to be  
given to the  
minister

**229.** Within fifteen days from the passing of the bylaw the council shall give notice to the electors of the municipality of its intention to apply to the minister for authority to borrow the amount specified in the bylaw and on the conditions therein set forth.

Form of  
and posting

(2) Every such notice shall be in the form prescribed by the minister and shall be given by notices posted in the manner provided by section 102 hereof and shall state the day of posting the same. 1908-9, c. 6, s. 229.

Notice con-  
cerning poll  
on debenture

**230.** Within fifteen days from the date of the posting of the said notices any ten electors of the municipality may demand a poll of the electors for and against the said bylaw and such poll shall be held as provided by sections 232 to 238 hereof.

(2) Every demand for a poll shall be delivered to the secretary of the municipality or in his absence to the reeve and a certified copy of such demand shall be forthwith transmitted to the minister of municipal affairs. 1908-9, c. 6, s. 230.

Certificate  
from secre-  
tary to  
minister re  
passing of  
bylaw

**231.** In the event of a poll not being demanded as hereinbefore provided the secretary of the municipality shall forthwith transmit to the minister of municipal affairs:

- (a) A certified copy of the bylaw under the seal of the municipality;
- (b) A certified copy of the notice provided in section 229 hereof and a statutory declaration or declarations proving the posting of such notice and that a poll has not been demanded;



- (c) A statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof;

and upon receipt of the same and upon being satisfied that the several conditions required by this Act have been substantially complied with the minister of municipal affairs may in writing authorise the council to borrow by way of debenture the sum or sums mentioned in the bylaw or any less sum and notice of such authorisation shall be published in *The Saskatchewan Gazette*; and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with. 1908-9, c. 6, s. 231.

**232.** In the event of a poll being demanded as provided <sup>Poll to be taken</sup> by section 230 hereof the council shall by resolution fix a time for holding the said poll, appoint a returning officer, name a polling place for each division, appoint a deputy returning officer for each polling place and appoint a time and place when and where the returning officer shall sum up the votes given for and against the bylaw.

(2) If the council deems it advisable such poll may be held on the day herein fixed for the annual election of reeve and councillors. 1908-9, c. 6, s. 232.

**233.** Notice of the poll shall be posted up at least fourteen <sup>Notice of poll</sup> clear days before the date of voting in the manner prescribed by section 102 hereof and every such notice shall be in the form prescribed by the minister of municipal affairs. 1908-9, c. 6, s. 233.

**234.** At the day and hour fixed by the said notice a poll <sup>Proceedings at poll, etc.</sup> shall be taken in each division of the municipality and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for reeve and councillors. 1908-9, c. 6, s. 234.

**235.** The ballot papers for voting on the bylaw shall be in <sup>Ballot paper</sup> the following form:

BYLAW.	
FOR	
AGAINST	

Agents at  
poll

**236.** On the application of any person interested in promoting or opposing the bylaw the reeve shall authorise the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes. 1908-9, c. 6, s. 236.

One vote  
only

**237.** Every elector of the municipality shall be entitled to vote once only on the bylaw and such vote shall be recorded at the polling booth in the division in which such elector resides or in case the elector is not a resident of the municipality then in the division or one of the divisions of the municipality in which his name appears on the municipal voters' list. 1908-9, c. 6, s. 237.

Declaration  
of result of  
poll

**238.** After the returning officer has at the time and place appointed by the council and in the presence of those authorised to attend or such of them as may be present counted and summed up the number of votes for and against the bylaw according to the provisions of section 148 hereof he shall then and there declare the result and forthwith certify to the council under his hand whether the two-thirds of the electors entitled to vote who have voted on the bylaw approved of the same. 1908-9, c. 6, s. 238.

Certificate  
from  
secretary  
concerning  
passing of  
bylaw

**239.** In the event of a recount not being applied for within the time specified by section 155 hereof the secretary of the municipality shall forthwith forward to the minister of municipal affairs:

- (a) A certified copy of the bylaw under the seal of the municipality;
- (b) A certified copy of the notice provided in section 229 hereof and a statutory declaration or declarations proving the posting of such notice;
- (c) A statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof;
- (d) A certified copy of the returning officer's statement as to the result of the poll;

and in the event of a recount being applied for the secretary after such recount has been held shall transmit to the minister of municipal affairs the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount. 1908-9, c. 6, s. 239.

Minister's  
authorisa-  
tion of  
bylaw

**240.** Upon receipt of the several documents referred to in the next preceding section and upon being satisfied that the several requirements of this Act have been substantially complied with the minister of municipal affairs may in writing authorise the council to borrow by way of debenture the sum or sums of money mentioned in the bylaw or any less sum;

and notice of such authorisation shall be published in *The Saskatchewan Gazette* and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with. 1908-9, c. 6, s. 240.

**241.** Whenever the council of any municipality is authorised by the minister of municipal affairs to borrow any sum of money as provided by section 240 hereof the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorised or of any less sum upon the terms specified in the bylaw; and the debenture or debentures and the coupons thereto attached when signed by the reeve and treasurer of the municipality and sealed with the corporate seal thereof and when the minister shall have countersigned the debentures as hereinafter provided shall be sufficient to bind the municipality and create a charge or lien upon all municipal property and rates and taxes in the municipality. 1908-9, c. 6, s. 241.

**242.** Every debenture issued by any municipality shall be in the following form or to the like effect:

Issue of  
debentures

\$ Debenture No. No.

The Rural Municipality of No.

promises to pay the bearer at the at

the sum of dollars of lawful money

of Canada in equal consecutive annual instal-

ments with interest at the rate of per centum

per annum on the terms and in the amounts specified in the

coupons attached hereto.

Dated this day of 19 .

.....

Reeve.

.....

[Corporate Seal] Treasurer.

COUPONS.

Coupon No. Debenture No.

The Rural Municipality of No.

will pay to the bearer at the at

on the day of 19 the sum of

dollars being the instalment of

principal with the total interest at the rate of per

centum per annum due on that date on municipal debenture

No.

.....

Reeve.

.....

[Corporate Seal] Treasurer.



Limit for  
debentures

**243.** The total face value of all debentures issued by any municipality shall not be for a greater sum than thirteen cents per acre for each acre of land assessed in the municipality as shown by the last revised assessment roll thereof. 1908-9, c. 6, s. 243.

Rate of  
interest

**244.** Debentures shall not carry interest at a greater rate than eight per centum per annum. 1908-9, c. 6, s. 244.

Term of  
debentures

**245.** Debentures shall not run for a longer period than twenty years except as in the next succeeding sections provided and may be dated at any time within twelve months from the date on which notice of the authorisation of the loan appears in *The Saskatchewan Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture. 1908-9, c. 6, s. 245.

Extension  
of term

**246.** In the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture as provided in the next preceding section such debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest. 1908-9, c. 6, s. 246.

Debenture to  
be registered  
by minister

**247.** Every debenture before being issued by the council shall be sent for registration to the minister who shall cause a proper record to be kept of the same. 1908-9, c. 6, s. 247.

Debenture to  
be counter-  
signed by  
minister

**248.** The minister shall thereupon if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the minister shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any court; but the same shall to the extent of the revenues of the municipality issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof. 1908-9, c. 6, s. 248.

Debenture  
register

**249.** The treasurer of every municipality shall open and keep a book to be known as "The Debenture Register" which shall be in such form as is prescribed by the minister and in which shall be entered full particulars of every debenture issued by the municipality. 1908-9, c. 6, s. 249.

## PART VII.

## Municipal Assessment and Taxation.

## ASSESSMENT.

**250.** The council shall appoint an assessor whose duty it shall be to make an assessment of the municipality in the manner hereinafter provided. Assessor

(2) If it is deemed advisable the council may appoint the secretary, the treasurer or the secretary treasurer of the municipality as assessor. 1908-9, c. 6, s. 250.

**251.** In every municipality the property exempt from assessment and taxation shall be: Exemptions

1. All land held by his Majesty for the public use of the province;

2. All lands held by or in trust for the use of any tribe of Indians;

3. The land to the extent of three acres held by or for the use of any school district erected under *The School Act*;

4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;

5. The land in use as a public cemetery not exceeding twenty-five acres;

6. All land belonging to the municipality when held for the public use of the municipality;

7. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*. 1908-9, c. 6, s. 251.

**252.** As soon as may be in each year but not later than the first day of July the assessor shall assess every person the owner or occupant of land in the municipality and shall prepare an assessment roll in which shall be set out as accurately as may be: Assessment to be made prior to 1st July in each year

1. The name of the owner and the name of the occupant of each lot or parcel of land in the municipality which is not exempt from assessment and the post office address, if known, of every such owner and occupant;

2. A brief description of each such lot or parcel of land and the number of acres which it contains; and such assessment roll shall be as in the form following or to the like effect or in such form as may be prescribed from time to time by the minister:

No.	Ft. of Sec.					No. of Acres		Name of Owner	P. O. Address	Name of Occupant	P. O. Address of Occupant	Rate of Taxation				Date of Mailing Notice	Initials of Sec'y	Total Tax for Current Year	Arrears	Total	Date of Tax Notice	Initials	Amount Paid	Receipt No.
Land Assessed	S.		T.		R.		M.						Municipal		School		Supp. Rev.		Total Rate					
	General		Debenture		Public		Separate																	



(2) In preparing the said assessment the assessor shall arrange the roll in accordance with the divisions of the municipality commencing with division No. 1 and the assessment for each division shall be kept distinct and separate. 1908-9, c. 6, s. 252.

**252a.** The council of the municipality may by bylaw authorise the levying and collecting of a rate or rates of so much on the dollar based upon the actual value of all lands (without improvements) in the municipality as the council deems sufficient for the current year to raise the sum required in their estimates but in no case shall the rate imposed exceed four cents on the dollar of the assessment in any one year including general, school, special and debenture rates.

(2) The adoption of this section by any municipality shall be optional, which must be decided by two-thirds majority of the members of the council; or upon receipt of a petition signed by one-half of the resident ratepayers of the municipality the council shall adopt and carry into effect the provisions of this section.

(3) This system of assessment shall become permanent after a petition signed by one-half of the resident ratepayers has been presented for two years in succession. On a petition signed by one-half of the resident ratepayers the council shall direct the assessor to revert to the former system of taxation. 1910-11, c. 21, s. 25.

**253.** If at the time of the preparation of the assessment roll there exists in the municipality any hamlet it shall be the duty of the assessor to assess every person the owner or occupant of land in such hamlet; and the assessor shall enter in the assessment roll: Provisions  
for hamlet

1. The name and post office address, if known, of the owner or (if occupied) the occupant of each lot or parcel of land in the hamlet which is not exempt from taxation;

2. A brief description of each such lot or parcel of land;

3. A brief statement of the purpose for which any such lot is occupied which statement may be made by entering in the roll after the description of the lot one of the following expressions, as the case may be: hotel, manufactory or other industry, elevator, lumber yard, store, implement warehouse, livery stable, feed or sale stable, boarding house, restaurant, office, blacksmith shop, dwelling house. 1908-9, c. 6, s. 253.

**254.** It shall be the duty of every person whose property is assessable to give to the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness. Information  
for assessor

## Penalty

(2) In case any person refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information; such person shall be liable on summary conviction to a penalty not exceeding \$10. 1908-9, c. 6, s. 254.

## Where owner is unknown

**255.** If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the municipality the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown. 1908-9, c. 6, s. 255.

## Roll to be checked by assessment committee

**256.** The council shall appoint two of their number who with the assessor shall constitute an assessment committee; and such committee shall on the completion of the roll by the assessor and before assessment notices are sent out check over the assessment roll and make such corrections therein as the majority of the committee may decide. 1908-9, c. 6, s. 256.

## Allowance to be made to members of assessment committee

**257.** The councillors who are members of such committee shall notwithstanding any provision herein to the contrary be entitled to receive such payment and mileage allowance for one meeting as would be paid to them for attendance at a meeting of the council. 1908-9, c. 6, s. 257.<sup>1</sup>

## Fraudulent assessment

**258.** If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty not exceeding \$100. 1908-9, c. 6, s. 258.

## Mailing of notice

**259.** Upon the completion of the assessment roll as provided in section 252 hereof the assessor shall forthwith mail to each person whose name and address appear on the roll a notice of his assessment and the entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the assessor and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) When all of the said notices are mailed as herein provided the assessor shall forthwith transmit the said roll to the secretary of the municipality. 1908-9, c. 6, s. 259.

## Post notice

**260.** The assessor shall also within two weeks after the completion of the said roll post up a notice in the following form which notice shall be posted in the manner provided by section 102 hereof:

The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ Form \_\_\_\_\_  
Assessment Roll, 19 \_\_\_\_\_

Notice is hereby given that the assessment roll of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ for the year 19 \_\_\_\_\_ has been prepared and is now open to inspection at the office of the secretary of the municipality from ten o'clock in the forenoon until four o'clock in the afternoon on every juridical day except Saturday (and on that day from ten o'clock in the forenoon until noon) and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing with the secretary of the municipality.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
A. B.,  
Assessor.

1908-9, c. 6, s. 260.

**261.** Every notice of assessment given as provided by <sup>Notice of assessment</sup> section 259 hereof shall be in such form as may be prescribed from time to time by the minister; and every such notice shall contain a statement of the last date upon which complaints may be lodged with the secretary of the municipality as fixed by the public notice under section 260 hereof. 1908-9, c. 6, s. 261.

**262.** No assessment shall be invalidated by reason of any <sup>Error in form of assessment notice</sup> error, omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it was addressed. 1908-9, c. 6, s. 262.

**263.** If any person thinks that he or any other person has <sup>Complaints against assessment</sup> been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly inserted in or omitted from the roll he may within the time limited as aforesaid lodge a complaint with the secretary of the municipality and every such complaint shall contain a post office address to which any notice required may be sent to the complainant. 1908-9, c. 6, s. 263.

**264.** Every such complaint shall be in the following form: <sup>Form of notice of appeal</sup>  
To the secretary of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_

SIR,—I hereby appeal against assessment (or nonassessment) of \_\_\_\_\_ on the following grounds (*here state grounds of appeal*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
C. D.,  
Appellant.

1908-9, c. 6, s. 264.



Notice of  
hearing

**265.** The secretary shall forthwith notify every such appellant and every other person whose assessment is affected thereby of the time and place of the sittings of the council to hear the said appeal. 1908-9, c. 6, s. 265.

When  
meeting held

**266.** The council shall not call a special meeting to hear such appeals but the same shall be heard at the first regular meeting the date of which will allow the giving of the length of notice herein provided for. 1908-9, c. 6, s. 266.

Time of  
notice

**267.** Every such notice shall be posted by registered letter to the post office address of such person, if any, as entered on the assessment roll or as indicated in the notice of complaint at least fifteen days before the sitting of the council unless such person resides within the municipality in which case the secretary treasurer shall cause the said notice to be served at such residence or so posted at least ten days before the sitting of the council. 1908-9, c. 6, s. 267.

Court of  
revision

**268.** The council shall be the court of revision for revising the assessment roll. 1908-9, c. 6, s. 268.

List of  
appeals

**269.** Before the sittings of the council the secretary shall prepare a list of the appeals in the following form which list shall be posted at the office of the secretary and shall continue so posted during the sittings of the council:

Appeals to be heard by the council of the Rural Municipality  
of                      No.                      on the                      day of                      19   .

Appellant	Respecting whom	Matter complained of
A. B.	Self	Overcharged on land
C. D.	E. F.	Name omitted
G. H.	J. K.	Not <i>bona fide</i> owner or tenant
L. M.	Self	Income overcharged
etc.	etc.	etc.

1908-9, c. 6, s. 269.

Clerk

**270.** The secretary shall be the clerk and secretary of the council in connection with assessment appeals.

(2) The clerk may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway

is available, disobeys such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may <sup>Provide</sup> for good and sufficient reasons excuse such persons from attending before them and in such event no penalty shall be incurred by reason of such nonattendance. 1908-9, c. 6, s. 270.

**271.** The appeals shall be heard as far as possible in the <sup>Conduct of</sup> order in which they stand upon the said list; but the council <sup>hearing</sup> may adjourn or expedite the hearing of any appeal as they think fit. 1908-9, c. 6, s. 271.

**272.** If the appellant or any other person whose assessment <sup>Nonappear-</sup> is affected or may be affected by the result of the appeal fails <sup>ance</sup> to appear in person or by an agent the council may proceed in his absence. 1908-9, c. 6, s. 272.

**273.** It shall not be necessary to hear upon oath the com- <sup>Evidence</sup> plainant or assessor or the person complained against except where the council deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal. 1908-9, c. 6, s. 273.

**274.** All the duties of the council as a court of revision <sup>Termination</sup> shall be completed by the first day of September and no <sup>of sittings</sup> appeal to the council shall be heard after that date except as provided in section 291 hereof. 1908-9, c. 6, s. 274.

**275.** Forthwith after the conclusion of the sittings the secre- <sup>Amendment</sup> tary shall amend the assessment roll in accordance with the <sup>of roll</sup> decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary. 1908-9, c. 6, s. 275.

**276.** The roll with any amendments made as aforesaid shall <sup>Adoption</sup> be the assessment roll of the municipality: <sup>of roll</sup>

Provided that there shall be a right of appeal from the decision of the council to the judge as provided herein and according to the procedure prescribed herein. 1908-9, c. 6, s. 276.

**277.** The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be <sup>Correction</sup> initialed by the secretary. 1908-9, c. 6, s. 277. <sup>of errors</sup>

## APPEAL FROM COURT OF REVISION TO JUDGE.

Appeal lies  
to judge

**278.** An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it. 1908-9, c. 6, s. 278.

Notice of  
appeal

**279.** The person appealing shall in person or by agent serve upon the secretary of the municipality within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge. 1908-9, c. 6, s. 279.

Secretary  
to notify  
judge

**280.** The secretary shall immediately after the time limited for filing notices of appeal forward a list of the same to the judge of the district court for the judicial district in which the municipality is wholly or mainly situated; and such judge shall fix a day and place for the hearing of such appeals. 1908-9, c. 6, s. 280.

Notice to  
parties

**281.** The secretary shall thereupon give notice to all parties appealed against in the same manner as is provided for giving notice on a complaint; but in the event of failure by the secretary to have the required service in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit. 1908-9, c. 6, s. 281.

Notice of  
appeals

**282.** The secretary shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals. 1908-9, c. 6, s. 282.

Clerk of  
court

**283.** The secretary shall be the clerk of such court. 1908-9, c. 6, s. 283.

Adjournment  
of court

**284.** At any court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure. 1908-9, c. 6, s. 284.

Production  
and amend-  
ment of roll

**285.** At the court to be holden by the judge to hear the appeals the secretary of the municipality shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary of the municipality shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction. 1908-9, c. 6, s. 285.



**286.** In all such proceedings the judge shall possess all <sup>Witnesses</sup> such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the district court. 1908-9, c. 6, s. 286.

**287.** The costs of any proceedings before the judge as <sup>Costs</sup> aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs in such court. 1908-9, c. 6, s. 287.

**288.** The costs chargeable or to be awarded in any case <sup>Taxation</sup> shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder. 1908-9, c. 6, s. 288.

**289.** The decision and judgment of the judge shall be final <sup>Decision of judge final</sup> and conclusive in every case adjudicated upon. 1908-9, c. 6, s. 289.

**290.** If at any time within one month from the date on <sup>Council may order addition to roll</sup> which all complaints against the assessment shall be lodged with the secretary as provided by section 263 hereof it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the council may direct the secretary to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialed by the secretary. 1908-9, c. 6, s. 290.

**291.** In the event of any such addition to or correction <sup>Notice to persons affected by correction of roll</sup> of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 267 hereof shall be sent to such person or persons by the secretary; and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act. 1908-9, c. 6, s. 291.

**292.** When the roll is finally completed and the time during <sup>Binding effect of amended roll</sup> which complaints and appeals against the assessment has elapsed the secretary shall over his signature enter at the

foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this day of 19 ;" and the roll as thus finally completed and certified to shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice. 1908-9, c. 6, s. 292.

Evidence  
of roll

**293.** A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll. 1908-9, c. 6, s. 293.

#### TAXATION.

Estimates

**294.** The council of every municipality shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the municipality for the year and such estimate shall include the sum or sums required to repay any temporary loan or to meet any debenture coupons which may fall due during the year. 1908-9, c. 6, s. 294.

Levy of rate

**295.** Upon the completion of the said estimate the secretary shall lay before the council the revised assessment roll of the municipality for the year certified to as provided by section 292 hereof and the council shall by resolution authorise the treasurer of the municipality to levy upon all the lands entered in the said roll with the exception of such lands as are included in any hamlet such tax at the uniform rate per acre as shall be deemed sufficient to meet the said estimate of expenditures; and in fixing the said rate the council shall make due allowance for the nonpayment of taxes and for any rebate fixed for prompt payment. 1908-9, c. 6, s. 295.

Uniform  
rate of  
taxation

**296.** The uniform rate of taxation to be authorised by the council as provided in the next preceding section shall not in any one year exceed six and one-quarter cents per acre nor shall such rate be less than two and one-half cents per acre:

Proviso .

Provided that in the case of any municipality which has raised a loan by way of debentures the council may in any year if deemed advisable increase the said maximum rate of six and one-quarter cents per acre by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year;

Provided further that taxes imposed at any time under *The Local Improvements Act* upon lands within the municipality shall be collected by the municipality. 1908-9, c. 6, s. 296; 1909, c. 24. s. 7.



**296a.** The provisions of this Act respecting the imposition and collection of school rates and taxes shall not apply to any separate school or separate school district established under *The School Act*. 1910-11, c. 21, s. 26.

**297.** In case any municipality includes within its limits School rates the whole or any part of any rural school district erected under *The School Act* which has not been declared a village or town district for purposes of assessment as provided by *The School Assessment Act* it shall be the duty of the council through its proper officers notwithstanding anything to the contrary in *The School Assessment Act* to impose and collect such rates on the land and other property of the persons liable to assessment for school purposes in such district or such part thereof as may be fixed by the trustees of the district; and such taxes shall be collected in the same manner as all other rates and taxes of the municipality. 1908-9, c. 6, s. 297; 1910-11, c. 21, s. 27 (2) (3).. (Amendment took effect January 1, 1912.)

**298.** On or before the first day of August in each year Demand from school trustees the board of trustees of every such district shall transmit to the treasurer of each municipality in which the district is situated in whole or in part:

- (a) A map or plan showing the area and boundaries of the said district;
- (b) A summary of the estimated expenditures of the district for the year;
- (c) A certified copy of a resolution of the board of trustees fixing the rate of taxation to be levied on all assessable lands in the district for the year;
- (d) A detailed statement of all arrears of school taxes due to the school district showing the lands on which they were levied, the respective years for which they are due and the several amounts thereof due for each of such years;

and in case the board of trustees of any such district in which a hamlet is situated desires the property in such hamlet to be taxed for school purposes in the manner hereinafter provided it shall notify the treasurer of the municipality in writing to that effect. 1908-9, c. 6, s. 298; 1910-11, c. 21, s. 28.

**299.** On or before the first day of September in each year Tax roll the treasurer of every municipality shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 252 hereof a statement of all taxes levied against each lot or parcel of land assessed as shown by the said roll and every such statement when completed shall show:



1. The rate per acre levied by the municipality to meet the estimated expenditures of the municipality as heretofore provided:

2. The rate per acre fixed by each rural school district as aforesaid to be levied by the treasurer on such lands of the school district as are situated in the municipality;

3. The rate fixed by *The Supplementary Revenue Act*;

4. The sum total of the rates levied against each lot or parcel of land;

5. The total taxes due for the current year on each lot or parcel of land;

6. The arrears of taxes levied under any authority due on each lot or parcel of land;

7. The sum total of all taxes due on each lot or parcel of land.

Minimum  
municipal  
tax

(2) In the event of the total tax payable by any person under this section for the purposes of the municipality being less than two dollars the tax to be entered in the roll as payable by such person for such purpose shall be the said two dollars.

Minimum  
school tax

(3) In the event of the total tax payable by any person under this section for school purposes being less than two dollars the tax to be entered in the roll as payable by such person for such purpose shall be the said two dollars.

(4) The provisions of the next two preceding subsections shall not apply to any land included in any hamlet.

(5) All arrears of school taxes levied before the organisation of the municipality on lands within the municipality shall be collected by such municipality and shall be transferred immediately after collection to the treasurer of the school district in which the land against which such arrears were levied is situated. 1908-9, c. 6, s. 299; 1909, c. 24, s. 8; 1910-11, c. 21, s. 29.

Tax in  
hamlets

**300.** In the case of lands included in any hamlet within the limits of the municipality the treasurer shall levy and enter in the said roll the following tax for municipal purposes and if requested so to do on or before the first day of September in each year by the trustees of the school district in which such hamlet may be situated the following tax for school purposes, namely:

Rate of same

1. On the land occupied by any building for one of the following purposes the tax set opposite thereto:

	For municipal purposes	For school purposes
(a) For an hotel . . . . .	\$25.00	\$15.00
(b) For a manufactory or other industry . . . . .	20.00	10.00
(c) For an elevator . . . . .	20.00	10.00
(d) For a lumber yard . . . . .	15.00	9.00
(e) For a store . . . . .	10.00	6.00
(f) For an implement warehouse . . . . .	10.00	6.00
(g) For a livery, feed or sale stable . . . . .	10.00	6.00
(h) For a boarding house or restaurant . . . . .	5.00	3.00
(i) For an office . . . . .	5.00	3.00
(j) For a blacksmith shop . . . . .	5.00	1.00
(k) For a dwelling . . . . .	3.00	1.00
(l) For any other purpose . . . . .	1.00	.50

2. On each lot or parcel of land which is unoccupied by a building a tax of 50 cents for municipal purposes and of 25 cents for school purposes:

Provided that in case any of the buildings above described are situated upon nontaxable land a tax equal to the amounts above set out shall be levied upon the owner of the said building in respect thereof. 1908-9, c. 6, s. 300; 1912, c. 29, s. 6.

**301.** The treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person in respect of the land for which he is assessed; and the entry of the date of mailing each such notice followed by the initials of the treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown. Mailing tax  
notice

(2) Every such notice shall show the property assessed, the several rates of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in such form as may from time to time be approved by the minister. 1908-9, c. 6, s. 301.

**302.** All taxes levied under the provisions of this Act shall be payable at the office of the treasurer of the municipality. Taxes where  
payable  
1908-9, c. 6, s. 302.

**303.** The taxes accruing upon or in respect of any land in the municipality shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown. 1908-9, c. 6, s. 303. Taxes  
first lien

**304.** In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are levied there shall be added thereto by way of penalty Penalty for  
nonpayment  
of taxes

a sum equal to eight per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts so added shall form part of the taxes which by section 303 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes. 1908-9, c. 6, s. 304.

Receipt book  
for taxes

**305.** The treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made and he shall issue an official receipt for every such payment such as may from time to time be approved by the minister. 1908-9, c. 6, s. 305.

Arrears first  
charge on tax  
payment

**306.** The treasurer shall upon the written request of any person assessed who pays only a portion of the taxes due by him credit such person in the assessment roll as having paid such taxes as such person may select provided that if arrears of taxes are due by such person the taxes received shall first be applied in payment of such arrears. 1908-9, c. 6, s. 306.

Arrears first  
charge on  
tax pay-  
ment

**307.** In case any person pays only a portion of the taxes due by him and such person does not as provided in the next preceding section signify the manner in which such taxes are to be applied the treasurer shall first apply such taxes in payment of any arrears due by such person and the remainder of the taxes so paid, if any, shall be as nearly as may be proportionally divided in payment of the several taxes levied for the current year. 1908-9, c. 6, s. 307.

Distress  
for taxes

**308.** In case any person fails to pay the taxes assessed against him within thirty days after the posting of the tax notice provided by section 301 hereof the treasurer may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the municipality or of any goods and chattels found upon the land in respect of which the taxes are due the property of or in possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to chapter 51 of *The Revised Statutes of Saskatchewan 1909*.

(2) The treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the municipality give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time



named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$2 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the treasurer to the clerk of the district court for the judicial district within which such municipality is wholly or mainly situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise. 1908-9, c. 6, s. 308; 1910-11, c. 21, s. 30.

**309.** Any taxes or arrears of taxes due to the municipality or levied by it may be recovered by suit in the name of the council as a debt due to the municipality; in which case the assessment roll shall be *prima facie* evidence of the debt. Suit for taxes

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 301 hereof were mailed as shown by the assessment roll. 1908-9, c. 6, s. 309.

**310.** All taxes for municipal purposes due on any land included in a municipality but which may thereafter be withdrawn therefrom and comprised within the limits of a village, town or city shall continue to remain as taxes due to the municipality; and for the purposes of the collection of such taxes the said land shall be deemed to be in the municipality and all the provisions of this Act with respect to the collection of such taxes shall apply: Taxes on area created a village

Provided that in the case of such taxes due on land comprised within the limits of a village the treasurer of such municipality shall as such taxes are collected pay over to the council of the village one-half of the amounts received. 1908-9, c. 6, s. 310.

**311.** If in any year the amount of the taxes collected by the treasurer for any rural school district falls short of the total taxes levied by him for such district the council may by resolution direct the deficiency to be made up from the general fund of the municipality; and every sum so advanced shall be deemed to be a loan to the district to be repaid out of the future collection of taxes for such district. 1908-9, c. 6, s. 311. Deficiency in school taxes to be made up from general fund

Tax  
enforcement

**312.** The treasurer of every municipality shall during the month of January in each year prepare a separate statement to be known as "The Tax Enforcement Return;" and the treasurer shall enter in such return the following information in the columns provided for the purpose :

- 1. The name and post office address of each person whose name appears on the last revised assessment roll of the municipality and who has not paid all taxes due by him to the municipality for the year next preceding the preparation of the said return or for any former year ;
- 2. A description of each lot or parcel of land for which each person is assessed ;
- 3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the years for which all such taxes were levied. 1908-9, c. 6, s. 312.

Audit of tax  
enforcement  
return

**313.** When duly prepared as provided in the next preceding section the treasurer shall submit the tax enforcement return to the auditor of the municipality who upon auditing the same and upon being satisfied that the said return is correct shall indorse thereon the following statutory declaration :

I, \_\_\_\_\_, auditor of the Rural Municipality  
of \_\_\_\_\_ No. \_\_\_\_\_, hereby solemnly declare that  
I have audited the above return and that to the best of my  
knowledge and belief it is correct in every particular.  
And I make this solemn declaration conscientiously believ-  
ing it to be true and knowing that it is of the same force and  
effect as if made under oath and by virtue of *The Canada  
Evidence Act*.  
Declared before me at \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ } .....  
..... } Auditor.  
A Commr., J.P. or N.P.

1908-9, c. 6, s. 313.

Return to be  
prima facie  
evidence

**314.** The said return as thus verified by the auditor of the municipality shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed. 1908-9, c. 6, s. 314.

Treasurer  
to collect  
arrears

**315.** The treasurer shall continue to collect arrears of taxes due to the municipality as shown by said return and upon receipt of any such payment he shall enter in the said return the amount paid followed by his initials and the date of pay-ment. 1908-9, c. 6, s. 315.

**316.** On the application in chambers of the treasurer of the municipality or some solicitor authorised by the council to the judge of the district court within whose district the municipality is wholly or mainly situated such judge may appoint a time and place for the holding of a court of confirmation of the said return notice of which shall be published in every issue of *The Saskatchewan Gazette* for two months and once each week for at least eight weeks in such local newspaper published in the vicinity of the lands entered on the said return as shall be named by the judge. 1908-9, c. 6, s. 316.

**317.** A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the treasurer of the municipality at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands in the said return of the date of mailing such notice together with the signature or initials of the treasurer shall without proof of the appointment or signature or initials of the treasurer be *prima facie* evidence that the required notice was duly mailed on the date so entered. 1908-9, c. 6, s. 317.

**318.** If after the date for confirmation has been fixed as provided in section 316 hereof any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return such person may do so on condition that he pays in addition to the said taxes the sum of two dollars for each parcel of land for costs of application to the judge and advertising and postage in connection with such proceedings; and any sums so paid shall form part of the general revenue of the municipality. 1908-9, c. 6, s. 318.

**319.** At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the treasurer of the municipality and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears naming the amounts of such arrears and adding thereto a reasonable amount for the expenses of advertising together with such sums as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in the municipality the said



lands freed from all liens, mortgages and incumbrances of every nature and kind whatsoever subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the treasurer of the municipality of the amounts named including expenses as aforesaid together with a redemption fee of five cents per acre for each and every acre in the parcel of land so redeemed and any subsequent taxes paid by the municipality; but no such redemption fee shall be less than \$2.

Costs of redemption

Taxes due January 1st

(2) For the purposes of this section all taxes shall be deemed to be due on the first day of January of the calendar year within which they are imposed.

Successful opposition to confirmation

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the municipality.

Copy of adjudication to be registered

(4) A copy of such adjudication certified by the treasurer shall be forwarded by registered mail to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named.

Copy of confirmation to be sent to all interested persons

(5) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 317 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any them shall be entitled to redeem the lands as hereinafter provided.

Publication of notice of forfeiture

(6) The treasurer of the municipality shall after the expiration of ten months and before the expiration of eleven months from the date of such adjudication cause to be published in *The Saskatchewan Gazette* a notice stating that the land named therein has been forfeited for nonpayment of taxes and stating the time at which the period of redemption provided by law will expire. 1908-9, c. 6, s. 319.

Payment of taxes to treasurer after confirmation

**320.** When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 319 hereof have been paid to the treasurer within one year from the date of the said adjudication the treasurer shall issue to the person paying the taxes a certificate in the form following verified by an affidavit of attestation in the form following which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land from the said adjudication and the effect thereof.

*The Rural Municipality Act.*

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.:

as to which an adjudication under the provisions of section 319 of *The Rural Municipality Act* bearing date the day of \_\_\_\_\_ was made by his Honour \_\_\_\_\_, Judge of the District Court of the Judicial District of \_\_\_\_\_ in the Province of Saskatchewan, have been, under the provisions of the said section, redeemed and the said lands are therefore discharged and released from the said adjudication and the effect thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Witness:

AFFIDAVIT OF ATTESTATION.

Canada:  
Province of Saskatchewan,  
To wit:

I, \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, (occupation) make oath and say:

1. That I was personally present and did see \_\_\_\_\_ named in the within instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. That the same was executed at the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, and that I am the subscribing witness thereto.

Sworn before me at \_\_\_\_\_  
in the Province of Saskatchewan }  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

.....  
A J.P., Commr. or N.P. (or as the case may be)

1908-9, c. 6, s. 320.

**321.** If after the expiration of one year from the date of the said adjudication the taxes together with the expenses and redemption fee as provided in section 319 hereof have not been paid to the treasurer the registrar on the written application of the treasurer shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the municipality freed from all liens, mortgages and incumbrances of every nature and kind whatsoever. 1908-9, c. 6, s. 321.

Issue of  
certificate of  
title in name  
of municipi-  
pality

Forfeited  
land to be  
liable for  
school and  
supplemen-  
tary revenue  
taxes

**322.** So soon as the said return has been confirmed by the judge as provided by section 319 hereof the treasurer of the municipality shall out of the general revenues of the municipality pay all taxes levied for school purposes or levied under *The Supplementary Revenue Act* which are shown to be due on the several parcels of land in the said confirmed return; and thereafter while owned by the municipality each parcel of land shall be assessed in the name of the municipality for all taxes required to be levied except taxes for the purposes of the municipality and as if the lands were assessed to an ordinary individual. 1908-9, c. 6, s. 322.

Forfeited  
land may be  
sold under  
approval of  
Lieutenant  
Governor in  
Council

**323.** Any lot or parcel of land which becomes the property of the municipality in the manner provided by section 319 hereof may subject to the approval of the Lieutenant Governor in Council be sold, leased or otherwise disposed of by the council of the municipality on such terms and conditions as it may fix. 1908-9, c. 6, s. 323.

## PART VIII.

### Miscellaneous.

#### PENALTIES.

Penalties for  
nonperform-  
ance of  
duties

**324.** Any secretary, treasurer or other officer of a municipality who refuses, neglects or fails to discharge the duties of his office or who knowingly signs any false statement, report or return required by this Act or any law in force in the province or who refuses or neglects to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the minister all moneys, books, papers and other property of the municipality in his possession in addition to any civil liability which he may incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50. 1908-9, c. 6, s. 324.

Recovery of  
penalties

**325.** All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace. 1908-9, c. 6, s. 325.

Penalties to  
go to general  
revenue fund  
of province

**326.** All moneys accruing from fines or penalties under this Act shall unless otherwise provided belong to the general revenue fund of the province. 1908-9, c. 6, s. 326.

#### ACTIONS BY AND AGAINST MUNICIPALITY.

Rights as in  
proceedings

**327.** Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties,



obligations or liabilities the municipality shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the attorney general had he been a party to the said action as plaintiff or a plaintiff upon the relation of any person interested. 1908-9, c. 6, s. 327.

**328.** In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the municipality; and every such action shall be brought against the municipality alone and not against any person acting under the bylaw or resolution. 1908-9, c. 6, s. 328.

Notice of  
action in  
certain cases

**329.** In case the municipality tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs; but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases. 1908-9, c. 6, s. 329.

Tender of  
amends

**330.** No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or of any disqualification of any such person. 1908-9, c. 6, s. 330.

Disqualifica-  
tion of  
member not  
to invalidate  
proceedings

#### EXECUTIONS AGAINST RURAL MUNICIPALITIES.

**331.** Any writ of execution against a municipality may be indorsed with the direction to the sheriff of the judicial district in which the municipality is wholly or mainly situated to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Procedure on  
writs of  
execution in  
sheriff's  
hands

1. The sheriff shall deliver a copy of the writ and indorsement to the treasurer with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Copy writ  
to be deliv-  
ered to  
treasurer  
Demand for  
payment

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipality and shall in

Execution  
rate

like manner as rates are struck for general municipal purposes strike a rate sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Sheriff's  
precept to  
treasurer

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the municipality had neglected to satisfy the same and referring to the roll annexed to the precept command the treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of  
special rate

4. At the time for levying the annual rates next after the receipt of such precept the treasurer shall add a column to the tax roll headed: "Execution rate in A. B. versus the rural municipality of No. , as the case may be," adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the treasurer for the general purposes of the municipality;

Treasurer's  
percentage

6. In case the treasurer of any municipality against which an execution has issued is not paid by percentage fixed by bylaw he shall be paid for such collections a sum not exceeding two and one-half per centum;

Treasurer  
and assessor  
officers of  
court

7. The treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them. 1908-9, c. 6, s. 331.

#### JOINT OWNERS.

Assessment  
of and  
voting by  
joint owners

**332.** Notwithstanding anything herein contained when land is jointly owned or occupied by more than four persons only those of such joint owners or occupants to the number that there are half sections of the land so jointly owned or occupied first presenting themselves for the purpose of voting



hereunder shall be deemed to be the owners or occupants of such land within the meaning of subclause (a) of clause 7 of section 2; and when land is so jointly owned or occupied by more than four persons the assessor shall in assessing such land enter on the assessment roll as the owner or occupant of such land the names of as many joint owners or joint occupants as there are half sections of the land so jointly owned or occupied and no more. 1908-9, c. 6, s. 332.

#### DISSOLUTION OF LOCAL IMPROVEMENT DISTRICTS.

**333.** Whenever any municipality organised on the thirteenth day of December, 1909, comprises a township or townships that theretofore formed part of a local improvement district all the assets and liabilities apportioned to each such township under the provisions of *The Local Improvements Act* shall respectively be used for the benefit of and be a charge upon such township alone: Disposition of assets and liabilities on dissolution of local improvement districts

Provided however that save as between such township and the municipality such assets and liabilities shall be deemed to be the assets and liabilities of the municipality and the municipality may sue and be sued therefor;

Provided further that all arrears of taxes apportioned as aforesaid to any such township may be collected by such municipality in all respects as though such arrears were originally due to such municipality;

And provided further that such municipality may by a special rate or rates levy on any such township such tax as may be necessary to discharge any liability apportioned as aforesaid to such township. 1908-9, c. 6, s. 333.

**334.** Whenever a local improvement district is organised as a municipality such local improvement district shall on, from and after the date of such organisation cease to be a local improvement district; and all contracts, property, assets, rights and liabilities of such local improvement district as existing at the date of said order shall be deemed and taken for all purposes to be the contracts, property, assets, rights and liabilities of the municipality. 1908-9, c. 6, s. 334. Disposition of assets, etc., of local improvement district organised as a municipality

#### EXISTING MUNICIPALITIES.

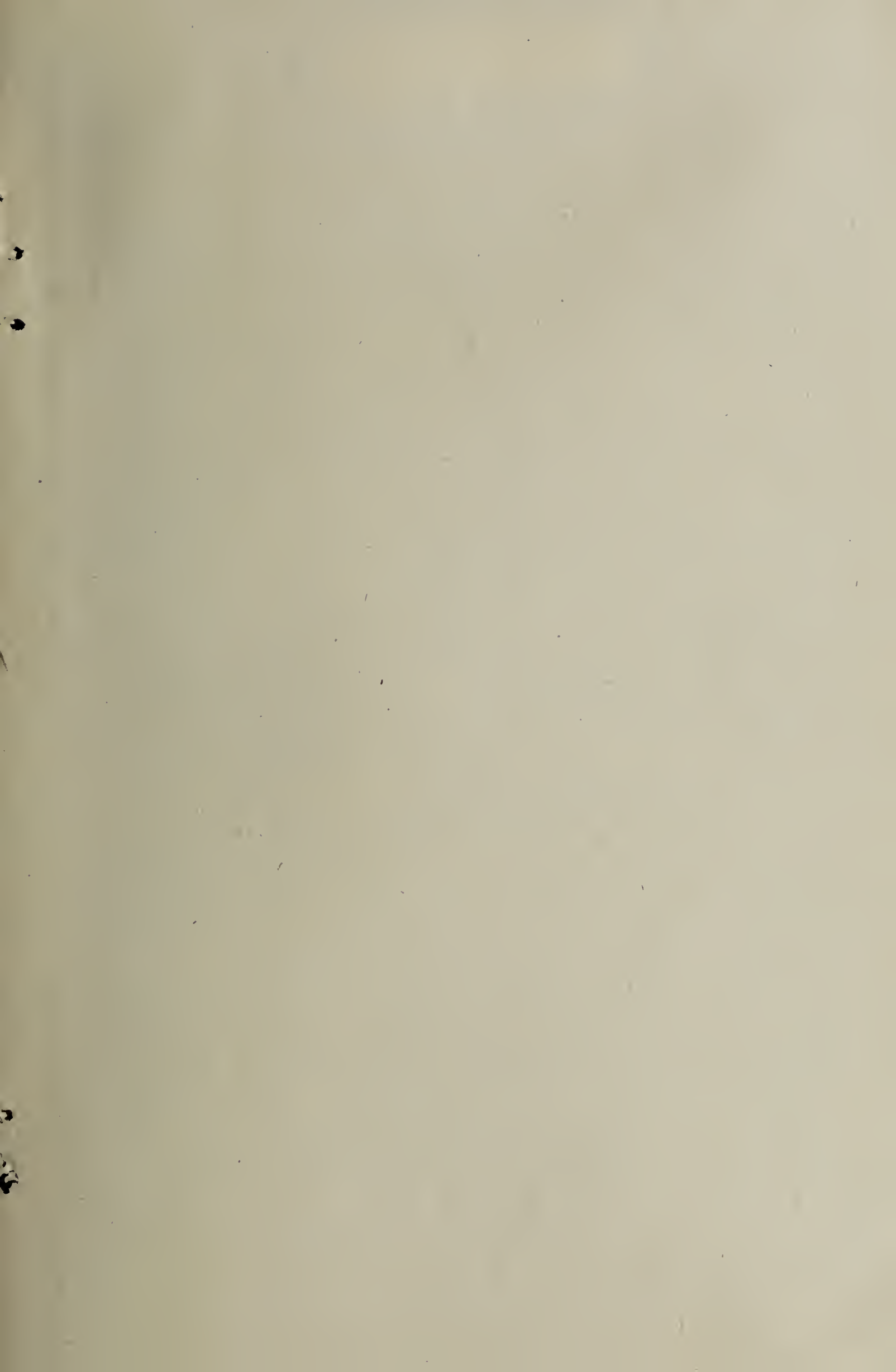
**335.** Nothing contained in this Act shall affect or apply to the municipalities of Indian Head and South Qu'Appelle; but the said municipalities as they are now constituted shall continue to exist and to have and enjoy all the powers which they may possess by law at the time of the coming into force of this Act: Existing municipalities

Provided however that the Lieutenant Governor in Council may upon presentation of a petition in that behalf by the council of either of the said municipalities declare from time



to time by a proclamation or proclamations the date or dates on and after which this Act or any part thereof shall apply to the municipality and may alter the boundaries of the municipality;

And provided further that the said municipalities shall impose and collect school taxes for all such rural school districts as are wholly or partially within the limits of such municipalities in the manner as nearly as may be provided by this Act in the case of other rural school districts. 1908-9, c. 335; 1910-11, c. 21, s. 31.





3 0112 099018118